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SECOND SESSION

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MARCH 18 AND JUNE 18, 1986

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THE BERN HUMAN CONTACTS EXPERTS MEETING

TUESDAY, MARCH 18, 1986

Commission on Security and Cooperation in Europe,
Washington, DC.

The Commission met, pursuant to notice, in room 428-A, of the Russell Senate Office Building, at 10 a.m., Senator Alfonse M. D'Amato (chairman) and Representative Steny H. Hoyer (cochairman) presiding.

In attendance: Commissioners and Senators Gordon J. Humphrey and Dennis DeConcini; and Commissioner and Representative Don Ritter.

Also in attendance: Michael R. Hathaway, staff director, and Mary Sue Hafner, general counsel of the Commission.

OPENING STATEMENT OF COCHAIRMAN HOYER

Cochairman Hoyer. Mr. Ambassador, on behalf of Chairman D'Amato, whose plane, unfortunately has been delayed from New York, I want to welcome you today. I understand you have a plane to catch to New York, as a matter of fact, maybe you can catch his plane.

Ambassador Novak. I hope.

Cochairman Hoyer. Maybe the Senator is bringing the plane here for you. In any event on behalf of the entire Commission, I am pleased to welcome you to this hearing of the Commission. Hopefully, the Senator's plane will not be so delayed that he will miss the hearing. However, we know that we want to get you out of here as close to 12 o'clock as is possible, since you are scheduled to catch a flight shortly thereafter. So we'll accommodate you. On behalf of the chairman, I will now read his prepared statement.

Mr. Ambassador and members of the Commission, the Ambassador is appearing before us today as the head of the U.S. delegation to the Human Contacts Experts Meeting which will be held in Bern, Switzerland beginning on April 15 of this year.

We have asked him to testify today concerning the U.S. goals for the Human Contacts Experts Meeting and respond to questions from the Commission regarding various aspects of our policy there.

While this morning's hearing will be brief, it is also, we believe, Mr. Ambassador and members of the Commission, very important. The Bern meeting is important for a number of reasons. It is the second of two experts meetings since the Madrid meeting to deal with topics we regard as essentially human rights issues.

The first of these expert meetings, the Ottawa Human Rights Meeting, was notable for Soviet intransigence. There, the Soviets displayed the lack of commitment to live up to the promises they made in the Helsinki Final Act and the Madrid Concluding Document.

The Bern meeting is the Soviets' last chance, in our opinion, before Vienna to demonstrate willingness to treat seriously their human rights obligations and undertakings.

Beyond the immediate question of Soviet compliance with the human rights promises they made at Helsinki and Madrid lies the issue of balance within the Helsinki process itself. One stand that the Soviets and their allies take, regards the definition of human rights.

We understand that they have been conducting damage control on that issue, while they also pursue their objectives in the trade and security aspects in the CSCE process.

This year it is possible for the process to fall fatally out of balance. If the Stockholm CDE negotiations produce a security agreement and all of the meetings on human rights topics fail to secure any improvement in Soviet human rights performance, then the Soviets will achieve their objective while denying us our objective.

Bern is a chance for the Soviets to demonstrate a real commitment to the future of the process by making genuine improvements in human rights for their citizens. The Bern meeting and the issues we will discuss there are vitally important to our major nongovernmental organizations. These NGO's played an important role in supporting the concept of the Human Contacts Experts Meeting at the Madrid Review Conference.

Issues such as family visits, family reunification, immigration, and contacts between people are very, very important to these groups and their members. Soviet compliance, whether there are past promises in these areas, would do a great deal, in our opinion, to increase the credibility of the Helsinki process itself.

Yet the Bern meeting holds the risk that the allies may press for an empty agreement just for the sake of reaching an agreement. U.S. concurrence in such a course of action would, I believe, in our opinion, strike a blow at the credibility of the process, from which it possibly could not recover.

Certainly, support for the process from these interested NGO's would be seriously damaged.

Finally, there is the question of the role of the Helsinki process in U.S. foreign policy. There are dismaying indications that, despite the President's recognition of the vital importance of human rights in U.S. foreign policy, the State Department deals with the Helsinki process on not the same level that perhaps this Commission would give it.

I want to say on my own behalf, however, I do believe that the State Department has in fact given, certainly publicly in the person of the Secretary of State, very high visibility to this Nation's commitment to the human rights initiatives.

Senator D'Amato may want to add some comments on that point when he arrives. The Senator's statement continues.

These are some of the key points, Mr. Ambassador, that the Commission wishes to discuss with you at this morning's hearing. I have some specific questions which I will ask later after your presentation.

Let me at this point in time turn to one of our most active members of the Commission and one of our most able members of the Commission as well as of the U.S. Senate, a good friend of mine, Senator DeConcini from Arizona for any comments that he might want to make.

STATEMENT OF SENATOR DENNIS DeCONCINI FROM ARIZONA

Mr. DeConcini. Chairman Hoyer, thank you very much for those kind remarks. Thank you for your leadership here.

Ambassador, I am here to listen to you. I hope you can give us—and I'm sure you will—some details of your recent meetings in the Soviet Union. I'm looking for a candid approach of what the expectations, in your judgment, might be, and I underscore might, realizing of no certainty here, at the Bern meeting.

I share the concern expressed in the chairman's statement this morning, that we don't want an empty or a hollow meeting and agreement there. I think it's important for us to be very realistic before we attend those meetings as to what we might attain—obtain from such a meeting.

So, Mr. Chairman, I'm here to listen to the Ambassador. Thank you.

Cochairman HOYER. Thank you, Senator. Now I'd like to introduce for whatever comments he might want to make at the outset, Congressman Don Ritter, our colleague from Pennsylvania who has been one of those most deeply involved in concerns with reference to human rights, with reference to the CSCE process, and who, I might add, is probably one of our most knowledgeable Members as it relates to the Soviet Union and to the Eastern bloc.

Mr. Ritter.

STATEMENT OF REPRESENTATIVE DON RITTER FROM PENNSYLVANIA

Mr. RITTER. Thank you, Mr. Chairman. That's the best introduction I've had in a long time.

Cochairman HOYER. It'll cost you.

Mr. RITTER. Back home last week a fellow introduced me before the multitudes and said, "tonight we have the latest delegate from Washington."

Mr. Chairman, thank you very much; and thank you for your leadership on the Commission. I feel the Commission does an excellent job in calling attention to these problems that sometimes fall between the cracks of our regular committee structure.

Our witness today is a leader in the field. I've known Dr. Novak for years. He has the kind of background that we would all be jealous of.

The Ambassador is also a fellow Pennsylvanian who is well regarded as one of the great authors in this field. I think there's probably no other individual that we could have to be Ambassador to Bern that's more competent than Ambassador Michael Novak.

As a matter of principle, the CSCE, the United States, and other Western delegations repeatedly have stressed the vital role that private individuals and nongovernmental representatives play in the Helsinki process. In contrast, the East steadfastly refuses to acknowledge the contributions made by independent actors.

Consistent with these positions, the West has striven to achieve a maximum degree of openness at CSCE meetings for the press and the public; whereas, the East has used the CSCE rule of consensus to prevent all but a minimum of public sessions at conferences.

This lack of openness increasingly has become a source of frustration for nongovernmental visitors at CSCE meetings, Ottawa in particular, and has been cited by the media as a major flaw in the Helsinki process. That U.S. delegations make a special point of facilitating the access of accredited journalists and nongovernmental visitors to the public rooms of conference centers and inform NGO's and the media about the closed discussions mitigates the criticism to some extent. However, the Commission believes that the most effective means of assuring the greatest degree of public support for our negotiating efforts is to include distinguished members of the private sector on U.S. delegations to CSCE meetings, treating subjects of widespread popular interest.

As full members of the U.S. delegation, the public sector representatives would be able to attend the closed sessions of the CSCE meetings. The presence on the U.S. delegation of influential citizens would serve to demonstrate to the other signatory countries the importance that the U.S. Government attaches to CSCE and the high level of interest in CSCE of the American public.

Most importantly, when the public members return to the United States, and when they have returned from previous conferences—for example, after the first 6 weeks of the Madrid meeting—both became very active in educating their constituencies and others about the utility of the CSCE process and the good work of the U.S. delegation in Madrid.

The bottom line is, that we would like these deliberations to be communicated to the American public. A very important feature of these deliberations, in that I don't think there's a better way of achieving public credibility, is having members of the public be in attendance at the CSCE meetings.

Mr. Chairman, thank you. I yield back.

Cochairman HOYER. Thank you for your opening remarks.

Now it's my great privilege to introduce Ambassador Michael Novak who has headed U.S. delegations to the U.N. Human Rights Commission in 1981–82, and has been a resident scholar at the American Enterprise Institute since 1978, holding the George Frederick Jewett Chair in Religion and Public Policy.

As Mr. Ritter has pointed out, Michael Novak was born in Johnstown, PA, graduated summa cum laude from Stonehill College and from the Gregorian University in Rome where he received a bachelor in theology cum laude in 1958. He also has studied at Catholic University and, as again pointed out, received his master of arts degree from Harvard University. Some would give that as the reason for his success, as opposed to not being ruined by that experience. It depends, I suppose, on your perspective; but from 1965 to 1968 Mr. Novak was the assistant professor of Humanities at Stanford University, and from 1968 to 1973 taught at the State University of New York.

In 1973 he launched a new humanities program for the Rockefeller Foundation, and in 1976 accepted a tenured chair as the Ledden-Watson Distinguished Professor of Religion at Syracuse University.

In addition, and which we note with pride and feeling that it is particularly important, Mr. Novak founded the Ethnic Millions Action Committee in 1974 and successfully campaigned for creation of a White House Office of Ethnic Affairs, which was created during the Ford administration. In addition, Ambassador Novak served as advisor to this office in the Ford and Carter administrations.

Mr. Ambassador, with that just brief recitation of your qualifications, we are very pleased that you took this opportunity to be with us, and look forward to receiving your statement in whichever way you would like to give it.

STATEMENT OF AMBASSADOR MICHAEL NOVAK

Ambassador NOVAK. Thank you very much, Mr. Chairman, Senators, and Congressman Ritter. I am very happy to have the chance to appear before you this morning.

I have prepared written remarks, and I would prefer to read through them, if you don't mind. But if you would insist, I would just open myself to questions.

Cochairman HOYER. Mr. Ambassador, I'd like to hear your statement. I'm sure the other members would, as well.

Ambassador NOVAK. Thank you very much.

I do appreciate this opportunity to appear before you and the CSCE Commission to discuss preparations for the Bern Experts Meeting on Human Contacts. The very idea for the Bern meeting originated with this Commission, and in large part was carried through by your persistence. And contributions from the Commission and its staff have so far been a large part of my education for Bern. I am grateful to all of you for this chance to serve my country.

I would like first to share some conclusions from recent consultation trips, on which Sam Wise of this Commission's staff was of immense value. He seems to know everyone. His knowledge of the history of the Helsinki process seems unmatched.

These trips have given me some appreciation of the spirit in which our NATO allies, the neutrals and the Soviet Union, with all of whom we have met, are approaching this meeting.

Our allies agree that it is important for Bern to produce practical results. We define practical results precisely, and we've explained this to the Soviets quite clearly. We mean, first, movement in specific individual cases; and we mean an improvement in the general conditions for cross-border human contacts by individuals and associations.

In addition, a successful meeting entails a careful review of the record of how CSCE commitments have so far been implemented. Only through such a review can we explore ways by which the record might be improved in the future.

As always, close coordination among the NATO delegations at Bern on substantive and procedural issues will be a prerequisite to achieving the necessary consensus. We intend to work very hard at their cooperation.

Cooperation with the neutral and nonaligned states, including our Swiss hosts, is also important. There are many indications that these delegations have similar objectives—similar to ours. Their own deliberations have produced conclusions about the structure of and prospects for the Bern meeting that seem realistic. Most do not, for instance, put a premium on producing a new document.

Good language on human contacts already exists in the Helsinki and Madrid documents. We do not suffer from a shortage of texts. What the world suffers from is inadequate implementation of already existing texts.

We also want to make clear, if I may add parenthetically, to the Soviets that confidence-building begins above all in this area of human rights and human contacts. If the Soviets treat their people the way they treat them, then what hope is there for the rest of us who aren't immediately their people.

Cochairman HOYER. Sorry, Mr. Ambassador. We want to welcome the Chairman. His plane has just arrived, so there's probably a plane for you to go back on.

Chairman D'AMATO. Mr. Ambassador, why don't you continue.

Ambassador NOVAK. Thank you. Thank you, Senator.

There are few illusions among our European allies and friends about the difficulties inherent in the Bern meeting. It is possible that the Soviet Union will adopt a negative approach, in keeping with a desire to get through the meeting with as little pain as possible.

We are hopeful that our initiative to consult bilaterally beforehand in Moscow and to encourage accelerated progress on the human contacts will enhance the possibilities for a constructive meeting.

The Soviets greeted us cordially in Moscow on March 14. They expressed gratitude that we had come all the way to Moscow. I cannot say that they expressed flexibility, but they were not inflexible.

It is in their power to make many changes. The new generation of Soviet leaders may yet heed General Secretary Gorbachev's call for a new spirit of cooperation in humanitarian affairs. We will work to make that true.

Mr. Chairman, you requested my specific comments on the following subjects:

First, the role of nongovernmental organizations. As you know, I have arrived in this process only very recently. Since December, however, I understand that the State Department has engaged the NGO's interested in Bern in an extensive series of consultations, by mail, by telephone, in small groups, and in a large public meeting March 6, at which I was privileged to share the platform with Michael Hathaway, the talented executive director of your staff.

The response to this effort has produced an abundance of useful suggestions. Some high quality written materials have been presented to us. These greatly facilitate our substantive preparations. They add to the ammunition in our briefing books for the actual work of the session.

We anticipate a vigorous liaison and assistance effort by the U.S. delegation with NGO's who come to Bern. I hope that an officer of this Commission will agree to be chairman of this liaison effort in Bern, keeping me in the closest possible touch with the NGO's.

In addition, the Department plans to keep those at home informed by a series of mailings during and after the meeting. It hopes to do even better in this than in the similar effort made during the Budapest Cultural Forum, which many NGO's have praised.

Second, the appointment of public members. Experts meetings like Bern were mandated at Madrid precisely to allow government experts from the 35 participating states to address CSCE related issues in their areas of responsibility. The United States has always attached special importance, however, to citizen participation.

In this spirit, the Department asked me to serve as head of the delegation to Bern. And the Department has tried hard to draw NGO's into the CSCE process. In addition, the Department is exploring the possibility of appointing as an advisor to the delegation—on the delegation—an authoritative representative of the NGO community.

I hope very much that this comes to pass very quickly. In Bern, we will need all the hands we can muster. We expect many citizens from all over Europe to come seeking our assistance. Many U.S. associations and private citizens are also coming to Bern.

It is the responsibility of our delegation, on which I hope members of your staff will serve, to make sure that the concerns of NGO's and individual citizens are well reflected at Bern. I count on all the help I can get.

Third, public diplomacy. We must do all we can to increase awareness of CSCE. The Department has asked me to do my best on this and, in particular, to write one or more op-ed pieces on the subject. I submit a copy of my first effort in this direction for the record. It is a copy of a column which will be out on Friday through the 15 papers in which I'm syndicated. It expresses my own convictions as I undertake this new assignment.

The Department has also prepared a variety of written materials for the media and the public. As the Bern meeting draws near, these materials will be put into use by the State Department, by USIA and our Embassies overseas.

I plan to seize as many opportunities as possible for interviews before and during the meeting. I ask your help, too, in bringing the meeting into public consciousness, and am deeply grateful for the hearing that this Commission plans to hold on April 15, just as the meeting begins.

The press advisor on the delegation will have instructions to be as active and cooperative with the media in Bern as possible. We are told that the European press in particular will be present in Bern in considerable force.

Fourth, Soviet charges. In Moscow our counterparts told us that, when criticized, the Soviets intend to attack the United States and its allies for our alleged violations of the Helsinki Final Act. We will welcome their efforts to fault our system. Our system thrives on criticism, public discussion, and the systematic redress of grievances.

We will hope their system becomes ever more open, even for its own good, to similar procedures. The agreements reached at Helsinki and Madrid bind every signatory. It is not interference in internal affairs, as the Soviets say, to hold one another to strict adherence to agreements commonly arrived at.

Meanwhile, I thank this Commission for its extremely creative and constructive work down the years. As an American of central European background, of Slovak heritage, I am especially grateful for the concern this Commission has shown for the fate of those 1 in 10 American families whose roots lie in the nations of the Warsaw Pact.

For all Americans, concern about human contacts with the other half of Europe are not so much a matter of politics as a family matter. Americans are Americans precisely because of the values embodied in the Helsinki Final Act. We cannot do otherwise than to make these values real and effective, for those portions of our families that do not at present enjoy their gentle way.

Thank you, Mr. Chairman, for all this Commission has done to advance the universal desire for more humane human contacts in that vital part of the world, the dynamic Continent of Europe, where security rests on the cooperation freely exercised among its peoples, associations, and individuals.

Mr. Chairman, if I may, I would like to share with the Commission members a set of photographs which I received from the divided spouses in Moscow, some of the most beautiful and marvelous people that I've ever been privileged to meet in a very wrenching meeting, which I'm very happy occurred after I had met with the Soviet delegation the day before; because it would have been hard to talk to the Soviet delegation in the kind of spirit of cooperation that we tried to achieve.

These photos were taken by one of the members of the divided spouses whose own picture is here. I have a colored set which I would ask your indulgence to allow me to take back with me, because we want to post them in Bern for everyone to see. The descriptions of the personalities are here. They will be known to all of you. You've spoken eloquently on behalf of every one of these individuals.

I have a set of black and whites which we were able to make yesterday, which I'd like to leave with you, if I may.

Chairman D'AMATO. Thank you, Mr. Ambassador. Mr. Ambassador, inasmuch as I've been the last to arrive, I'm going to simply state that it seems to me and a number of my fellow Commissioners that there's a very real question with respect to the vigor and the determination the State Department has shown in pressing the issue of human rights, and the linkage question. The fact is that it would seem that they have gone to great lengths not to take recommendations from this Commission with regard to ambassadors and your deputies and others who will be at the meeting in Bern.

This is not directed toward you, but rather toward the State Department. I want you to know that is a very real concern, in particular, to NGO groups. I think "State" has begun to address that. I feel, certainly, your comments, the comments I've heard, seem to be in the right direction. I hope the people at "State" feel that way.

I have been late. So I'm going to ask Senator DeConcini if he would like to ask his questions now and then Chairman Hoyer.

Mr. DECONCINI. Mr. Chairman, I will be glad to yield to the vice chairman.

Chairman D'AMATO. Chairman Hoyer.

Cochairman HOYER. Thank you very much, and thank you, Senator.

Mr. Ambassador, what guidance will you follow concerning balance between the so-called quiet diplomacy and a frank and direct public review of Soviet and East European violations, including naming names. Now you've mentioned that tangentially well, directly, in your statement; but I'd like you to amplify on that just a little bit, if you will. Tell me how you perceive yourself getting into the discussion of specific cases during either plenary sessions or working sessions at the Bern meeting.

Ambassador **Novak**. Mr. Chairman, I have tried to be very frank with the Soviets about this. We met with them from about 10:15 in the morning until 6:30 in the evening on March 14 in Moscow, and I expressed to them my desire to take as my model Max Kampelman in Madrid, who managed to be forthright, speak candidly, to name names, to bring up cases, to lay the record out, but to do so in a low key and constructive manner and style, and at the same time keep his eye on obtaining results.

He had certain practical results he wanted to come from Madrid. He kept his eye on the ball, and he achieved—in large measure—achieved those results.

Now I would rather—I'm a softspoken person, and I explained to them I'm trained in philosophy. So if they want sterile polemics, I've been trained for it. But I would much rather have practical results, speak in a low key, nonpolemical way. But I said, we are a Biblical people, and every story in the Bible, every chapter in the Bible is about a concrete case and a concrete individual and how he behaved. I said, you've got to expect us to speak in concrete cases. Don't be alarmed if we do. We are going to have to layout the record on concrete cases, because that's the way we think, and you have to expect that from us.

So I think they are well prepared. They have every reason to be well prepared for me to speak candidly, completely, in a full review of the record, in, I think, hard and straight language with a soft tone of voice, and to keep our eye on getting results, by which we mean movement on individual cases and improvement of procedures.

Cochairman **Hoyer**. Mr. Ambassador, let me pursue that line of a concrete result as it relates to a concluding document. Let me ask you: Do you see any need for a concluding document at the Bern meeting if the Soviets continue to stonewall on deeds, as they certainly did, from my perspective and, I think, the Commission's perspective, in Ottawa and in Budapest as well.

In other words, they don't take any practical steps that we would suggest to resolve individual cases and begin to live up to their commitment under the Helsinki Commission. Would, under those circumstances, not a concluding document just be another collection of words which really don't have any effect? And if that was the case, what do you think our delegation's position ought to be?

Ambassador **Novak**. Mr. Chairman, the Soviets expressed to us the fact that they are not terribly interested in a final document. We said to them, we certainly would not—I certainly would not want to put my name on a document unless it was better than Madrid, had more teeth in it than Madrid and Helsinki. I wouldn't want something just repeating what's in Helsinki and Madrid; and I certainly wouldn't sign anything worse or any retreat on it.

So we said we didn't think we needed a final document, but if we could come up with a better one, we would surely look at it. I invited the Soviets—I hope it was wise to do so, but I decided to do it—invited them to begin drafting, if they wish, a final document, and we'll begin drafting our version of it. We'll meet privately with our allies and the neutrals and Warsaw Pact nations while we're there. And if we can come up with a document, fine; but that's not our main purpose in the meeting.

Our main purpose is to see some actual human beings in better condition at the end of this meeting than before. And if we don't see that, then I've wasted 2 months of my life, and the Commission has wasted a lot of time and money.

Cochairman HOYER. Well, I appreciate your comments. I have a number of other questions; but because our time is short and your time is short, I'll ask them at the end if we have time left.

Thank you, Mr. Chairman.

Chairman D'AMATO. Senator DeConcini.

Mr. DECONCINI. No; I have no questions. Thank you.

Ambassador NOVAK. Mr. Chairman, may I make one further comment on Congressman Hoyer's point.

Chairman D'AMATO. Oh, surely.

Ambassador NOVAK. One of our opposite members in the Soviet delegation is named Sofinsky——

Cochairman HOYER. We dealt with Mr. Sofinsky in Ottawa.

Ambassador NOVAK. I dealt with him in Geneva in 1981-82. He pointed out that his name means wisdom.

Chairman D'AMATO. Wisdom?

Ambassador NOVAK. Wisdom.

Chairman D'AMATO. "My gosh!" I want to tell you, you're going to have to be a very patient man to deal with his rhetoric and with his KGB counterpart who sits next to him and feeds him information. Mr. Ambassador, I wish you the best of luck.

Cochairman HOYER. Mr. Kondrashev apparently is going to stay home.

Ambassador NOVAK. Mr. Kondrashev, my opposite member, pointed out that his name—and he's a regular smoker—means cough. I didn't have the opportunity to point out that my name means new, and I apply it to the hints of President Reagan and Mr. Gorbachev—Secretary General Gorbachev in Geneva, and then Mr. Gorbachev again in the 27th Congress talking about a spirit of cooperation in humanitarian matters as something new.

He didn't use the word new, but a new spirit, in effect. We are going to try to hold the Soviets to that. We're going to try to suggest that, with the new generation now in its fifties coming into power—my opposite number is 52, as is Mr. Gorbachev about that age—that they're going to be making the decisions; and those of us that age here are going to be making the decisions for the next 15 years.

We ought to be thinking about what United States/Soviet, East/West human contacts are going to be like 15 years from now. There is a chance for a new start. It's within their power to do things differently from the way they've been doing it.

They don't do this for ideological reasons. You could read Marx and Lenin in a very different spirit than the way they read them; and if a leader wanted to do differently, he could find some texts there to justify what he wanted to do and have a much more decent treatment of human beings than they now have.

So we'd like to hold them to the best possibilities, without any illusions that we will achieve that. It's just something possible. We would like to give them the best possible shot at doing better than they've done.

Cochairman HOYER. Mr. Ambassador, in light of the fact you're amplifying on your answer to my previous question and you mentioned Mr. Sofinsky, let me say that I think the Chairman reflects the frustration that many of us felt in that bilateral with the Soviet delegation. Whether there has been in fact a change in attitude, was not perceived at Ottawa because it was clear that Mr. Sofinsky was marching to a drummer that said, we are not here to cooperate, we are not here to accommodate, we are not here to move forward, we are here simply to effect as much damage control as is possible, given the facts that are available to the West to use with reference to our human rights accord.

If in fact the mood has changed, if in fact Mr. Gorbachev's message has been handed down to those who negotiate on an international level, we would expect to see and you ought to expect to see a substantial change in demeanor, if not necessarily in specific agreements, but at least in demeanor as demonstrated by Mr. Sofinsky who clearly was of a mind not to do anything other than "jaw-jaw" with us.

Ambassador NOVAK. Congressman, I dealt with Mr. Sofinsky in Geneva for 2 years, as I've mentioned, at the Human Rights Commission meetings there. In my experience with him, he is a loyal and obedient junior officer in the chain of command, and he does his job. He must do it. He's been forthright and direct in his dealings with me, which I appreciate; and I expect him to do his duty.

On the other hand, there was some signs we observed in the full Soviet delegation we met in Moscow—We met 12 of them, all the members of their Bern delegation plus the Moscow support staff, including Mr. Kondrashev who is—who said he won't be in Bern but that, with a smile on his face, that he would be keeping an eye on both delegations from Moscow.

That's when I said to him, if you are and you don't understand what we're doing, ask yourself what would Max have done. He knew Max Kampelman very well. Because I said, that's the question I'll be asking myself. What would Max do? And if you think that way, we'll be on the same wave length.

We have the clear impression that the Soviets are a bit undecided about what this new spirit of cooperation in humanitarian affairs might be. It seems to me they were like frogs on a pond, uncertain which way to jump. If they jump prematurely into a new spirit, they may be all alone; and if they wait too long, they may be all alone.

It seemed to us there was a certain uncertainty in their present stance, and we want to try to bring the best out of them, because they really could do this much better than they do it. And it would be to their benefit as a society, as a dynamic economy. It would help them a lot if they opened up more.

We're going to do our best to argue that that's what they ought to do. We don't have any illusions about their power to do as they choose. It is their choice, but we're going to hold them to what they have publicly signed on the record that they intend to do.

Cochairman HOYER. Thank you.

Chairman D'AMATO. Thank you, Congressman.

Mr. Ambassador, on your last point that we're going to hold them to account for that which they have agreed to do, during some recent hearings that the Commission has held, many witnesses called for strict linkage between improvements in the Soviet human rights performance and new agreements in other fields, including arms control. How do you respond to that very strong and overwhelming sentiment that comes from those NGO's and others who testify before the Commission?

Ambassador NOVAK. Mr. Chairman, there is, in my opinion, a right way and a wrong way to make that argument. The wrong way to make it is the way the Soviets make it. They used that argument with us most of the day in Moscow, and I rejected it the way they did it.

They used it to suggest that they're going to use human beings as pawns in the game of international disarmament. They're not going to release divided spouses in Moscow, they suggested, until they get progress in arms control talks and in regional conflicts and other matters.

I said to Mr. Kondrashev at that point that I would refuse to treat human beings as means, as instruments, of foreign policy; and I would refuse to treat human beings as means, not as ends. I just didn't believe in linkage in that sense. But I do believe in linkage in a quite different sense, in the sense which I alluded to in an earlier remark when I said that arms talks in Stockholm were supposed to be about—to the degree they're about arms, are supposed to be about confidence-building measures. But how can people in the West have any confidence in the Soviet Union agreements and its attitude toward human beings if one sees the way they violate agreements on human contacts, and one sees the way they treat their own citizens.

If that's the way they treat their own citizens, how are they going to treat us whom they don't regard as citizens or friends? Therefore, they have to understand that people in the West tend to think through human rights.

In fact, at one point Mr. Shikalov showed how well he grasped it. He said, I notice in the press that when the press talks about the Helsinki process, they always talk about it as the Helsinki Human Rights Accords. He said, that's only half the title.

Now I should give this Commission credit. I think one reason people in the West talk about the Helsinki human rights is because this Commission has done a very good job in making sure that part of it isn't forgotten.

The Soviets want to emphasize the other part, the disarmament, the détente and regional conflicts and so on. They want to hold up human rights until those other—Well, as one of the divided spouses said to me, you know, you mean I have to wait, she said, to meet my husband until all arms are banished from both arsenals? I have to be a pawn of international politics?

It's too cruel.

Chairman D'AMATO. Well, let's come back, Mr. Ambassador, to your point. Isn't the gist of what the witnesses who have testified before this Commission have said, that absent a very dynamic change in the attitude of the Soviets and the other Eastern bloc nations under their aegis about human rights and their failure to live up to the Helsinki accords, that we certainly are not going to have confidence in any other agreements that relate specifically to our own security, arms agreements, in particular? So don't we have to just hammer away at that?

Ambassador NOVAK. Absolutely.

Chairman D'AMATO. Doesn't that become the underpinning then? What about other areas? How do we take this? Do we put aside, for example, the human rights violations that we see and we can prove are taking place, set that aside and deal with them on other matters, cultural matters or trade matters? How do you explain that to the people who ask, well, why would you do this?

Ambassador NOVAK. Mr. Chairman, I think we have a historical obligation to deal with the human rights matters first, and I think the American people would insist that we do that.

I tried to explain to the Soviets in the four different meetings that we had, four different times, four different ways, that for us, a Biblical people, confidence building will come first in human matters. We can't help it. We think about human beings first.

I further pointed out that Americans are perhaps different from Russians in this respect, that all the people who came to America came here to get away from government, or virtually all came for that reason. So we see ourselves not as they do, as a "rodina" with thousands of years of history and a strong collective consciousness and social sense of one another, but rather as persons and individuals who get together to form a union; but in order to protect their own rights against the intrusions of the state.

They would have to expect us, therefore, as Americans, to think about the roles of persons and individuals as opposed to the state. All Americans would naturally think that way.

I pointed out to them as well that, even after World War II when we came out of the war with much propaganda about the Soviet Union as our ally and Uncle Joe and so forth, the thing that most directly changed public opinion in Britain and the United States were several cases of families separated which the Soviets refused to allow to reunite, and that the reputation of the Soviet Union changed almost overnight.

I said that even today a great many Americans get puzzled by the details of Stockholm and the arms talks in Geneva. They can't master the technical language. They're a little puzzled, but every American, every human being, has a family. So they understand family matters instantly.

Whether the Soviets like it or not, the family reunification cases, the family visitation cases, strike every heart in the world; and they're simply going to have to deal with that. And we couldn't do otherwise than to deal with that, first and foremost. That's the terrain of human contacts. That's in our mandate from Madrid, and we intend to deal with that.

Chairman D'AMATO. Well, Mr. Ambassador, again, we talk about linkage in one context. We've stated this on a number of occasions. Just about every Commission member says that there must be a restoration of human rights—and I say restoration, because there are very few, if any, human rights that are really respected for the Soviet people. Without those human rights being a fact, there's very little reason for us to really think that we can ever trust them concerning accords on disarmament, et cetera.

There is certainly going to be a very suspicious Congress and Senate, in particular, that will be called upon to ratify any treaties.

The dilemma that we seem to face is that, on one hand, we say this, but on the other hand we push forward with the disarmament talks. So we give little public credibility to what we say. If on one hand we say, unless you live up to the human rights accords signed in Helsinki, how can we trust you on matters of security, but on another hand the State Department, the administration, rushes forward with arms talks—and I'm not saying that they shouldn't—don't you see a basic inconsistency? You say to people, "We see these human rights violated." How do the Soviets receive that signal as we press forward on the other hand for arms talks?

Ambassador **Novak**. Senator, this is exactly why I think this Commission is so important, and why I think it is useful that I am not full-time a member of the Government, not from the Department itself. I intend to voice as adequately as I can the voice of what I take the American people to be on these matters, and to bring to the argument a sense of what the American people will believe and won't believe.

I have found it very important to be able to say, with Sam Wise beside me, that I can tell you if you don't believe me ask Sam Wise. He's with the people on the Hill in the Congress and the Senate who have close touch with the American people, and he can tell you the way they feel in the House and the Senate about these matters, and the way the American people feel. You've got to convince the American people that you're worthy of their confidence, and you can only do that if you treat your own people better. That's what the American people are going to watch.

Now from the point of view of the State Department, in my opinion, they have to go forward on all fronts at once. The State Department, in my opinion, is in a very difficult position, as I was in Moscow. Here I was talking, laughing, eating a marvelous lunch and joking with my colleagues, with whom as negotiators I must have a good spirit, and then meeting with the divided spouses the next day whose stories would make you want to cry and say, How could I have been so nice to the representatives of the leadership the day before? As a negotiator, I must do that, but it puts me in a very difficult human position.

I believe the Department is in a very difficult human position on these things. So, in my view, the Department must go forward in all these fields, but it's the duty of the rest of us to make the Soviets understand that they are really only credible if they treat their own citizens better than they do.

Otherwise, it's hard to have admiration for them as a civilization. I think they want that admiration very much, by the way. I think they don't want to be regarded as primitive, as barbarians. I think they would like to have entrance to the body of civilized states, and we must hold them to the standards of civilized states, therefore, standards which they themselves have signed.

Chairman D'**Amato**. Well, maybe that's the trick, to attempt to find what format to raise that level of their awareness, and maybe we have to be more committed, maybe as a Commission, and galvanize greater public and even governmental support in that area to let them know; because I don't really think they're getting that message. At least they certainly don't believe us. I don't think it's coming through in a convincing way.

Ambassador NOVAK. Senator, I said one thing in Moscow——

Chairman D'AMATO. By the way, I tell you this, Mr. Ambassador, in a very moderate way. There are other members of this Commission who are far more outspoken, very outspoken to the point where they sometimes wonder whether or not the Commission should continue, and whether we should continue to support the Helsinki process. I don't share that view. I think we should. I think the question is to find out how, in a more effective way, we can go forward.

Congressman.

Mr. RITTER. Thank you, Mr. Chairman. I think he touches on an extremely important point. I've got to ask the question of whether or not the American people indeed do put that question of human rights first and foremost, or is there a split personality that the Soviets are picking up on? That, in spite of our being a Biblical people there are tremendous forces within our society which push Members of the House and the Senate and this administration toward agreements at any price.

It's up to people like yourself, people who serve on this Commission, to convince the Soviets that the former force, the force coming from the Biblical people, is stronger than those forces in the society which push for agreements at any price.

Ambassador NOVAK. I think, Congressman, that in the even not-so-long run they recognize that. In other words, they give so much attention to ideology and to discipline. Mr. Gorbachev spoke at the 27th Congress of a party welded together by the unity of their objectives—will and discipline applies, rings out.

They give so much attention to ideology exactly because they really do believe in the power of ideas. Right now, in my opinion, they are scared to death that what they saw in Iran, where on a certain Monday the Shah of Iran had the fifth most powerful army in the world and by Friday that army had disappeared—the bullets were in the guns, but the minds and hearts changed. And in the Philippines just a few weeks ago, Ferdinand Marcos had that powerful position and a seemingly unstoppable——

Mr. RITTER. Franco died, and the Greek colonels were replaced, and the Argentinian generals were supplanted, and all of this happened in quite a different format of social control.

Ambassador NOVAK. I understand that. But when I mentioned the cases of Iran and the Philippines in talking about the power of ideas, there was a silence in that room. You could have heard a pin drop. That has to be on their minds. If ever Soviet citizens together begin believing in a different way, that system can't be contained.

Mr. RITTER. Ambassador Novak, given your emphasis on the power of ideas, how do you envision the public role in this conference? You're talking about quiet diplomacy. You're talking about the way you would like to do things personally, the kind of experience you had. How does this fit in with the need to hold the Soviets accountable for their behavior in the area of human rights? How do you propose to manage this in the course of the Bern meeting?

Ambassador NOVAK. Well, first of all, I believe very strongly in the role of nongovernmental organizations and public testimony generally in and around the Bern meetings, whether right immediately in the official meetings or not, telling the world the truth about the Soviet Union, and sometimes in the harshest and most dramatic and vivid terms. That must be done.

The more others do it, the more powerful are the words that I am able to say in the room. The more powerful the background that I am given, the more power is conveyed by speaking of these very same things in a soft tone of voice.

I have found you can say very harsh truths if you say them quietly. They have even more effect.

Mr. **Ritter**. Now the State Department, however, has put a very strict limitation on the public participation in the meetings themselves.

Ambassador **Novak**. Well, Bern is a very small city, and the Swiss are expecting to be almost overrun with citizens of Europe and the United States coming to bring their griefs and anguishes to this one small place. The city is going to be alive with people bearing testimony. The press is going to be there in great numbers, especially the European press. The press, as I tried to explain to the Soviets—the more it's excluded from the meetings, the more it's going to fill its column-inches with these powerful, powerful stories.

So I tried to argue with the Soviets, from our point of view, we would like to have all the meetings open. In fact, I would like to be able to have our speeches recorded, which we are going to give a lot of care to in some detail; and if these meetings are open, they will be. If not, what the press is going to have to rely on is interviews and off-the-cuff remarks outside the halls.

We're going to have interviews often, maybe every day, if necessary, to keep the press informed. But to be truthful, I'd rather do it in written things over which I've exercised a lot of care than in remarks and answers to questions to journalists. I would prefer to do it that way. But either way, the press is going to have its due number of inches and due number of minutes on television and on radio on this matter.

Mr. **Ritter**. This Commission is composed of various individuals who all have interests in human rights activists. We have focused, however, some of our efforts on one particular personage that we feel at the present time may be in very significant danger.

We held hearings on the *Myroslav Medvid* case, and out of our hearings came actions on behalf of the House Foreign Affairs Committee. We are still very concerned about the *Myroslav Medvid* case and, in particular, at the present we're concerned about the personal security of Myroslav. We understand the State Department has made inquiries and that they've received reports. But, we're interested in hard facts, and conceivably a personal meeting, to ensure the safety of Myroslav Medvid. Do you think this is the kind of subject that could be brought up at the Bern meetings?

Ambassador **Novak**. Yes; I intend, as I said, to talk about the principles of Helsinki and Madrid, but in terms of individual cases. Again, I've explained to the Soviets that, as Biblical people, we think concretely, and I intend to use concrete cases to exemplify the principles that were signed to in Helsinki and Madrid. And that's what I intend to do. I would like to speak vividly and concretely with person after person.

So the help of all the NGO's and all the other groups in providing us with material on these individual cases is very—is necessary and extremely useful for making the speeches concrete.

Mr. **Ritter**. There are literally, millions of Americans who are fearful that Myroslav Medvid has disappeared into a great black hole. There have been statements accorded to him that are unverified, at least by personal contact, and we would appreciate it if you could look into the matter.

Ambassador **Novak**. Congressman, the great merit of Bern and of the work of this Commission is, it gives us a chance to make these points. If we didn't have Bern, we wouldn't have the occasion to make these points in a concentrated way.

So the very fact that it's on the calendar obliges the Soviets to give it attention in a way nothing else would have obliged them. Therefore, we've got to bring some fruit out of Bern. Otherwise, it will be a huge, huge, huge, disappointment. They have got to produce results.

Mr. **Ritter**. Mr. Chairman, Mr. Cochairman, I yield back. Thank you.

Cochairman **Hoyer**. Mr. Chairman, if I might, we're going to have to go, Mr. Ambassador, because we have a vote on the House floor.

One point I want to raise with you is that we talk very often about family contacts, reunification, and more open borders as it relates to the Soviet Union. This Commission and, I know, yourself are very concerned about the other Eastern bloc nations. In particular, I would call your attention to Romania which has a particularly egregious record with respect to human rights. We would—and I know you're going to, but I want to reiterate on the record that I believe this Commission would ask you to focus in on Eastern Europe in your discussions and to make sure the Soviets and other Eastern bloc nations are well aware of the fact that we have a broad perspective, and that we are not insensitive to or unaware of the fact that the problem is not only the Soviets' treatment of its own citizens. The failure to accord the rights under the Helsinki Final Act by other nations, Romania being in our opinion one of the principle examples, but other Eastern bloc nations as well should be discussed at Bern.

I know you will do that from our private conversations, but I wanted to emphasize that on the record, because we believe it to be very important.

Mr. **Ritter**. Mr. Chairman, would you yield just for a moment before we go to vote. I would like to thank Mr. Novak very much for bringing his unique experience to bear on this problem. Mr. Novak approaches these questions from a spiritual perspective and has really developed the idea of the spiritual pillar that upholds democratic societies. I believe, that as hardnosed as the Soviets are, that someone like Ambassador Novak can make a deep and lasting impression. I thank you.

Cochairman **Hoyer**. Thank you, Mr. Chairman. We're going to have to leave to make that vote.

Chairman D'AMATO. Well, I thank my Cochairman for opening the hearing, and Congressman Ritter.

Ambassador Novak, we thank you for coming in today. More importantly, we thank you for the work that you've already undertaken; and we let you know that we stand ready to assist.

I think that you've given us, at least me, a thought that, if anything, we have to be more vigilant, more outspoken, as a Commission. More particularly, we must involve others both inside and outside of the Congress, opinion leaders, to let the Soviets know very clearly that human rights compliance is a precondition for the American public and the American Congress having faith in their promises. This means promises regarding mutual security and whatever covenants and pacts they may wish to enter into with the United States.

I think that becomes an ever increasing problem. Of course, I think the fear of war, nuclear arms, is so pervasive—so pervasive—throughout the world, both here in this country and with our allies, that at times I think there may be almost a desire to ignore the facts, to overlook how the Soviets may or may not live up to those accords. Consequently, some attempt to characterize as the violations of human rights as petty, as inconsequential, as not the gravamen of the whole problem of mutual trust.

I think that underlying this feeling is that great fear and anxiety about nuclear war. They say, "At any cost we've got to work toward some kind of nuclear disarmament pact in order to avoid any possible conflict." I think that is one of the very real problems that we have to deal with.

Ambassador NOVAK. Senator, I consider such a reaction the first steps in the process of appeasement and capitulation. The first moral obligation is clear thinking, and you must never allow fear to paralyze your mind. Once you allow fear to paralyze your mind, you stop thinking clearly and you stop acting morally.

I would like to urge my fellow citizens not to give way to that form of cowardice.

Chairman D'AMATO. But don't you find that to be one of the problems?

Ambassador NOVAK. It is pervasive, but then that's always true in human affairs, particularly in democracies and capitalist societies. People can think of so many better things to do with their freedom than to prepare for a difficult time, and they find it difficult to believe that a power can actually behave as the Soviet Union behaves. It's outside their experience. So people tend to put these things out of their minds. They have so many better things to do.

It's very difficult for free societies to keep themselves resolute over time, but it's the task of persons in free societies to keep awakening themselves to reality, and I think this Commission does a tremendous job in keeping the attention of the American people on important realities. We just have to do our best.

Chairman D'AMATO. Mr. Ambassador, thank you again for your time today, and we look forward to working with you in the future.

Ambassador NOVAK. Thanks for the opportunity, Senator.

Chairman D'AMATO. We stand in recess.

[Whereupon, the Commission recessed at 12:13 p.m.]

PUBLIC HEARING ON BERN EXPERTS MEETING ON HUMAN CONTACTS

WEDNESDAY, JUNE 18, 1986

Commission on Security and
Cooperation in Europe,
Washington, DC.

The Commission met, pursuant to notice, in room SD–562, of the Dirksen Senate Office Building at 10 a.m., Senator Alfonse M. D'Amato (chairman) and Representative Steny H. Hoyer (cochairman) presiding.

In attendance: Commissioners and Representatives Christopher H. Smith and John E. Porter.

Also in attendance: Michael R. Hathaway, staff director, and Mary Sue Hafner, general counsel of the Commission.

OPENING STATEMENT OF CHAIRMAN D'AMATO

Chairman D'Amato. Good morning.

This morning, the Commission is pleased to welcome Assistant Secretary of State for European and Canadian Affairs, Rozanne Ridgway, and Ambassador Michael Novak, who are appearing before us to review the recently ended Bern Human Contacts Experts Meeting.

We appreciate your appearance and look forward to learning your views on this most recent international meeting in the Helsinki process.

There have been some legitimate, I think, expressions of concern as to why and how it was that the United States took the position that it did.

I think that it really comes down to the one thing, that there are some who are wondering whether the United States did the right thing. Is our position correct? Are we still committed to the Helsinki process? Why did we do what we did? Where are we at this time? How do our allies feel about the actions that we took or that we didn't take?

I think that's important. That's the essence of where we're going today or attempting to go. We want to learn your feelings, your positions as not only individuals, but as representatives of the State Department and the administration.

I'm going to ask that my remarks be included in the record as if read in their entirety, because we're not here to hear statements by the chairman.

I really do look forward to hearing the views of our distinguished witnesses on these topics.

[The prepared opening statement of Chairman D'Amato follows:]

PREPARED OPENING STATEMENT OF CHAIRMAN D'AMATO

This morning, the Commission is pleased to welcome Assistant Secretary of State for European and Canadian Affairs Rozanne Ridgway and Ambassador Michael Novak, who are appearing before us to review the recently ended Bern Human Contacts Experts Meeting.

We appreciate your appearance and look forward to learning your views on this most recent international meeting in the Helsinki process.

We are also pleased to welcome Dr. William Korey, Mr. Leonard Sussman of Freedom House, and Mr. Mark Epstein of the Union of Councils for Soviet Jews, who will appear on subsequent panels to comment on the Bern meeting.

Dr. Korey was the public member of the U.S. Bern delegation. His comments and the views of the other nongovernmental organization representatives will make a valuable contribution to our understanding of what transpired there.

As the world knows, the United States denied consensus on a concluding document at Bern. Under Ambassador Novak's leadership, the United States stood against adoption of a document which those on the scene judged to be too weak and, indeed, a retreat in some important ways from obligations undertaken by the Soviet Union at previous Helsinki process meetings.

For those of you who are not familiar with the rules under which Helsinki process meetings are held, they differ from United Nations' procedures in that no votes are ever taken. Opposition by just one of the 35 participating states vetoes any proposed action because the Helsinki process works by consensus. Thus, the United States' rejection of the neutral and nonaligned nations' proposed final document prevents its adoption.

The Soviets resolved 36 outstanding bilateral cases involving divided families in connection with the Bern meeting. This is the first time that the Soviets have resolved such cases in the context of a CSCE meeting. While this is a welcome step, it falls far short of compliance on their part with either the letter or the spirit of the Final Act.

No final document was achieved by the Ottawa Human Rights Experts' Meeting or the Budapest Cultural Forum.

The only other Helsinki process meeting scheduled to end before the start of the Vienna Follow-up Meeting on November 4 of this year is the CDE talks in Stockholm. CDE is scheduled to end on September 19. There is some chance that CDE may reach agreement and produce a document.

At Bern, Ambassador Novak stressed the need for compliance with the human contacts provisions of the Final Act. Soviet noncompliance is a central problem, casting doubt on the credibility of any new promises they may make. Without improved Soviet compliance, new Soviet promises must be received with skepticism.

The Commission believes that new proposals and new concluding documents can have value only if they include significant improvements over past commitments and if they are credible. This can be seen as a two-step test. The first part of the test is to ask if a document, on its face, represents enough of an improvement over past documents to be worthy of our support. The second part of the test is to ask if the Soviet Union has undertaken any concrete steps to restore its credibility.

The neutral and nonaligned compromise document appears to fall short of the first standard. While subsequent analysis performed by Commission staff after their return from Bern indicates the proposed final document had some merit, it still does not make enough of an improvement over already existing commitments to justify our support. That being so, the second part of the test is not even reached.

Some argue that Soviet action to resolve the 36 bilateral family reunification cases should cast a different light on this situation. However, almost 6 days elapsed from the time they first indicated they were going to resolve these cases and the date they first provided us with the names of those who were to be allowed to emigrate.

One possible interpretation of this situation is that the Soviets may have been attempting to tease us into a situation in which we were talked into accepting an otherwise questionable document in return for case resolution. In the Helsinki process, case resolution goes to Soviet credibility, not to the issue of the adequacy of any specific document.

Subsequent to the end of the Bern meeting, Commission staff has done an in-depth analysis of the proposed compromise document, as has the Department of State. Both analyses concluded that there was some merit in the rejected document. In light of the criticism now focussed on the Helsinki process on the basis that it lacks credibility, I believe it would have been a mistake to accept this compromise document.

For those who may question the wisdom of the U.S. decision to reject the compromise document, I suggest that they compare it with the NATO document designated BME 47, which contains the Western proposals as submitted to the meeting. Once the provisions of the two documents have been read together, there should be no doubt of the weakness of the proposed compromise.

Moreover, the issue of balance in the Helsinki process as a whole must be addressed when considering the compromise document. If it had been accepted at Bern, what impact would it have had on developments at the Stockholm CDE talks and at the Vienna Follow-up Meeting?

It is not unreasonable to suppose that a weak Bern agreement would have both given the Soviets leverage for a weak CDE agreement and served as a fig leaf to cover their human rights compliance shortcomings at the Vienna meeting.

I look forward to hearing the views of our distinguished witnesses on these topics.

And, at this time, I will turn to my distinguished Cochairman, Congressman Steny Hoyer, for any comments he may have.

OPENING COMMENTS OF COCHAIRMAN HOYER

Cochairman HOYER. Thank you very, much Mr. Chairman.

Secretary Ridgway, Ambassador Novak, I don't have a prepared statement. However, I would like to make a few opening comments.

Mr. Chairman, as you know, I had the privilege of heading a delegation that visited both the CDE Conference at Stockholm and the Human Contacts Experts Conference in Bern, during the last 2 days of those Conferences.

I want to say that I and I believe the other members of the delegation found it to be a very educational experience.

I had an opportunity to make a statement in Stockholm at the CDE Conference, a statement which was prepared in joint partnership and thus I think reflected a joint view of the Congress and the administration. I perceived it very much as a statement on behalf of our Nation, as well as a statement on behalf of the Commission and on behalf of the CSCE process as we perceive it.

The experience in Bern, as I said, was a great learning experience for me. At the outset I want to thank Ambassador Novak.

Ambassador Novak could not have been more open, more solicitous, or more gracious in his treatment of the congressional delegation. And for that we are very thankful.

In addition, I think that Ambassador Novak, as Secretary Ridgway has pointed out in her written statement, expressed the view that, Mr. Chairman, you and I had related to him in personal conversations and in correspondence with him as to our very strong feelings, while additional verbiage, additional documentation of the direction in which we wanted to go was and could be very useful, it, nevertheless, was performance that we were really looking to achieve on both sides.

To that extent, Mr. Ambassador, I want to congratulate you on your performance in Bern.

Obviously, there will be discussions as to what happened in Bern and what has happened in other conferences.

It is, Mr. Chairman, my hope, as we proceed toward Vienna, that we focus on what we can learn from our performances in Bern, in Ottawa and in Budapest, and what we will have learned as we wrap up the CDE Conference in Stockholm, so that we can be a more effective participant in Vienna in a joint effort between the administration and the Congress in trying to move the Helsinki process forward.

That clearly is the objective that we all seek. And I would hope that we would, therefore, look at the positive aspects of the Bern experience as we move forward.

Clearly, we know and we're going to hear from both Secretary Ridgway and Ambassador Novak that there were differences that surfaced in the Bern Conference between some members of our allies and ourselves with respect to the acceptability of a particular document.

However, Mr. Chairman, I am very pleased to report back to you, as someone who had the opportunity of sitting in both the very, very extended meetings—I mean until—I think it was 4:30 one morning that the Soviets walked out as we were plodding through proposals, paragraph by paragraph and a number of NATO caucus meetings as well, that whatever differences there were, all the members of the NATO alliance expressed concern about the lack of performance, by the East. That was a universal opinion within the NATO alliance, expressed most eloquently by our Ambassador. Second, whatever disagreements there might be with respect to the tactics of proceeding forward, the importance of the Western alliance was paramount to all concerned.

I think that that was, from my perspective, a very high point of the meeting, notwithstanding the fact that clearly there were differences with respect to tactics.

With that, Mr. Chairman, I want to say that I'm very pleased that Secretary Ridgway is with us. I thank her for the time that she has spent with you, Mr. Chairman, and I, subsequent to the Bern meeting, and for the very, very positive and cooperative outreach that she has made to this Commission as we move toward Vienna. I believe it to be the establishment of a partnership, as we pursue the goals that all of us share in Vienna.

Again, thank you very much.

Congratulations, Mr. Ambassador.

And thank you, Mr. Chairman.

Chairman D'AMATO. I'd like to acknowledge that Congressman Smith has joined us.

At this time, we're looking foward to hearing from Secretary Ridgway.

STATEMENT OF ASSISTANT SECRETARY ROZANNE RIDGWAY, STATE DEPARTMENT

Assistant Secretary RIDGWAY. Thank you very much, Mr. Chairman.

I will follow your advice and not go through the whole of a statement if it could be submitted for the record. I would appreciate it.

Chairman D'AMATO. So ordered.

[The prepared statement of Assistant Secretary Ridgway follows:]

Testimony of
Assistant Secretary Rozanne L. Ridgway
Before the
Commission on Security and Cooperation in Europe

June 18, 1986

The meeting that concluded last month in Bern on human contacts was the last Madrid-mandated CSCE experts meeting to take place prior to the Vienna Follow-up Meeting. Ambassador Novak will report on the Bern meeting in detail. I would like to make some general observations about Bern, and also about such experts meetings.

Several acknowledgments are due at the outset. The first is to Ambassador Michael Novak, who led the U.S. delegation at Bern with great energy and skill. He eloquently articulated the humanitarian values enshrined in the Helsinki process. He reaffirmed these values in stirring terms, forcefully presenting both the moral and practical arguments for the Soviet Union and its Eastern European allies to live up to the promises they freely made at Helsinki and Madrid. I hope he will continue to lend his voice to those others who see CSCE as a process of fulfilling hopes that demand and deserve to become reality.

Second, I wish to thank this Commission for contributing its expertise and personnel to preparations for Bern and to the work of our delegation for eight weeks there. In this regard, I believe a special debt is due to Senator D'Amato and Representative Hoyer for the welcome support and advice they gave to Ambassador Novak, through correspondence in the course of the meeting and through Representative Hoyer's presence at the conclusion of the meeting.

Third, our work at Bern was substantially aided by support from the public that came in a variety of heartening ways. Mr. William Korey of B'nai B'rith served on the U.S. delegation and provided many valuable insights as proposals were introduced and considered. Non-governmental organizations from the U.S. were a substantial presence at a number of points during the meeting, calling attention to crucial human contacts issues -- and giving them names and faces. Many organizations and individuals not able to come physically to Bern nonetheless made their views known. They wrote and called the U.S. delegation before and during the meeting. The details they provided about human contacts problems effectively armed Ambassador Novak with the facts.

Our decision to withhold consensus from a draft concluding document proposed by the neutral and non-aligned states has naturally drawn substantial attention. The decision was not taken lightly. It represented the considered judgment of both our delegation and the State Department. With the hindsight afforded by the few weeks since the end of Bern, I can say we would make the same decision again. The proposed document had qualifications and loopholes which taken together might have been used by some governments to justify non-compliance with existing commitments. Our agreement to it would have raised further questions about the credibility of the CSCE process itself.

We understand the disappointment and concerns expressed by some of our Allies over the outcome of Bern. We will work to ensure Western unity at the Vienna Follow-up Meeting and are engaged, as you know, in a program of close and intensive consultations in preparation for it.

A number of our Alliance partners supporting the NNA draft believed that it would give an impetus to the CSCE process, viewed as a series of small, incremental steps that over time can improve the lives of people in East and West. This view stresses the creation of new incentives -- new commitments on paper -- to raise performance standards in the future.

We have sympathy for this view. Wwe do not oppose new documents or new commitments _per se_. Our position depends to a great extent on the relationship between reality and words on paper. New documents must meet rigorous standards if they are not to be considered whitewash for failures to uphold past pledges. We believe there are other governments in the West which are happy that the document proposed by the NNA was not adopted at Bern. No Western government has defended the document as more than a potentially modest step forward. If the countries of Eastern Europe are serious about progress in CSCE, they will demonstrate so by their actions -- which speak louder than words.

I do not mean to dwell on the question of the Bern document. To us, the principal point was how seriously the U.S. takes the CSCE process and the words proposed to carry it forward.

Ambassador Novak intends to review the specific accomplishments of the Bern meeting. Let me make a few broader points. Our experience at Bern reflects the wisdom of having fought at Madrid for the series of experts meetings in the humanitarian field that has just concluded -- the Ottawa Human Rights Experts Meeting, the Budapest Cultural Forum, and the Bern Human Contacts Experts Meeting. The foresight of this Commission is part of the reason that these meetings took place.

Ottawa, Budapest and Bern all had their share of frustrations, but they had and continue to have value. Each provided the West with a platform -- agreed by the East as legitimate -- from which to review problems in different areas of humanitarian concern. Without such meetings, it would be difficult to call the East to task face-to-face for its failures to abide by its CSCE promises. We believe that such meetings, by concentrating the attention of both governments and publics on particular aspects of the CSCE process, can promote progress over time. This relatively new tool of diplomacy in the humanitarian field must be exploited patiently and persistently. These experts meetings are not a perfect tool, but they are one we hope the Vienna Follow-up meeting later this year will agree to continue.

The three meetings produced detailed Western agendas for the Follow-up Meeting in Vienna, where all the "baskets" of CSCE will be under consideration and where it may prove easier to achieve real progress on humanitarian issues. The West reaffirmed its commitment to shared humanitarian values at Ottawa, Budapest and Bern. The West articulated in detail its views on human rights, cultural freedom and human contacts, respectively, in draft concluding documents tabled at these meetings. These documents are blueprints for steps the West has agreed it wants to see taken in these areas and a basis for our joint approach to Vienna.

Another key aspect of the experts meetings was the occasion they provided for discussions of cases of humanitarian concern. This has become an accepted feature of such meetings, though some countries of the East still resist the practice. I should note, of course, that some Eastern European governments have more constructive practices than others on humanitarian issues. Discussion of cases does not necessarily imply their resolution, but at Bern there were sufficient incentives created -- within the context of the meeting and outside it -- for some governments to make progress on cases. Such progress benefits not only the individuals directly involved, but also provides evidence of a government's willingness to fulfill commitments undertaken in the Helsinki Final Act and Madrid Concluding Document.

We are not satisfied with this state of affairs, since the numbers of cases resolved during Bern were small in comparison with those who still suffer, unknown and uncounted. It is also distasteful that human beings should be at the mercy of calculated political decisions taken by governments without compassion. Still, our fundamental interest in the CSCE process is to improve the lives of individuals. To the extent that experts meetings provide fora where individuals' problems can be discussed and -- on occasion -- resolved, such opportunities should be seized.

The experts meetings on humanitarian issues have also demonstrated the fundamental unity of European values -- humanistic, compassionate, and rooted in the concept of freedom -- and the common interest of all Western governments in upholding them. At Ottawa, Budapest and Bern, members of the NATO Alliance and the neutral and non-aligned states made common cause in holding the East to account for its disregard for such values and its violations of the provisions of Helsinki and Madrid that embody them. These values unify most of Europe. Their dominance forces the East to face the fact of its moral isolation, and stimulates the East to respond -- even if cynically -- in the same humanitarian vocabulary. This is what makes the Helsinki process a useful and hopeful one.

Assistant Secretary RIDGWAY. I would like to have most of this morning, as you suggested, to take up those very challenging questions that you proposed in your own remarks.

I do think, however, it's appropriate for me to just draw out a few themes from my statement, general observations not only about Bern, but about experts meetings.

But I have not and the Department of State has not had, on behalf of the administration, the occasion to make some public acknowledgments which are overdue.

The first to Ambassador Michael Novak, who eloquently articulated the humanitarian values enshrined in the Helsinki process, presenting both the moral and practical arguments for the Soviet Union and its Eastern European allies to live up to the promises they have freely undertaken.

Second, I think it is important that I express appreciation to the Commission for the welcome support and advice it gave to Ambassador Novak. But I would point out that there is before each of these meetings a running up, working up process, in which the participation of the Commission is absolutely essential for both successful preparation and successful articulation of our objectives, and then, again, the successful implementation of what we agree to do before we start out internationally.

Nongovernmental organizations were a substantial presence at a number of points during the meeting. And many organizations and individuals who weren't able to come to Bern made their views known, so that the details that they gave us about human contacts problems effectively armed Ambassador Novak and the members of the delegation with facts that are so important.

Our decision, the decision of the U.S. Government, to withhold consensus from the document that emerged in Bern represented the considered judgment of both our delegation and the State Department.

Everybody likes hindsight. With hindsight, we would make the same decision again. The proposed document had qualifications and loopholes; and I believe and, institutionally, the Department of State believed, along with the delegation, that our agreement to it would have raised further questions about the credibility of the CSCE process, something which I know, Mr. Chairman, has concerned you as well, and an objective we do have to keep in mind.

We know about disappointments and concerns from some of our allies over the outcome of Bern. We have already begun an extensive set of contacts and conversations with them so that we can draw, as you—both you, Mr. Chairman and Cochairman Hoyer have said we must do, draw the kinds of lessons that will then have us to go to Vienna with the experience coordinated and built in to what we plan to do in Vienna.

We will be having close and intensive consultations with allies.

A lot of the allies did support the draft that emerged late in the last day. They believed it would give an impetus to the CSCE process. They saw it as a series of small, incremental steps, that is, the whole of the process as a series of small, incremental steps that, over time, can improve lives of people in the East and West.

I think we have to have some sympathy with this view. And we don't oppose new documents, and we don't oppose new commitments per se. But a lot depends on the relationship between reality and words on paper. And our delegations have always gone off to these meetings committed to dealing with reality.

If countries of Eastern Europe and the Soviet Union are interested in progress in the CSCE, then they'll demonstrate it by actions, which will be a lot louder than words incorporated in a document.

So, I think that it was, in Bern, a good meeting and the right kinds of decisions were made. And Ambassador Novak will speak more specifically to that.

I mentioned, at the beginning, I'd also just highlight those parts of my remarks that touch on the value of experts meetings per se.

I think that the experience at Bern shows the wisdom of having fought at Madrid for the series of experts meetings in the humanitarian field that has just concluded, or the Ottawa meeting, the Budapest meeting, dealing with cultural things, and then the Bern Human Contacts Meeting. All three, Ottawa, Budapest, and Bern, provided the West with a platform from which to review problems in different areas of humanitarian concern. And such meetings can produce progress over time.

It's a relatively new tool of diplomacy in the humanitarian field, and it has to be, in this field especially, exploited patiently and persistently.

We did, in these experts meetings, articulate in detail Western views in draft concluding documents that were tabled at all three meetings. The documents are blueprints for the future. They were not accepted, but they remain there, they incorporate ideas, and they are blueprints for the steps that the West has agreed it wants to see taken in these areas. And, so, I think they represent a basis for some joint approaches in Vienna.

Another key aspect of the experts meetings was the occasion they provided for discussion of cases of humanitarian concern.

Now, discussing cases doesn't necessarily imply they're going to be resolved. But at Bern I think that there were sufficient incentives created for some governments to make progress on cases.

We're not satisfied, since the number of cases resolved was small. And I'm sure we all find it distasteful somehow that human beings should be at the mercy of calculated political decision. But our fundamental interest in the CSCE process is to improve the lives of individuals. And, so, if the experts meetings give us an opportunity to do this, then I think we can all agree we should seize those opportunities.

They've also, these meetings that we've had, have demonstrated the fundamental unity of European values. The dominance of those values forced the East to face the fact of moral isolation, stimulates the East to respond in the same humanitarian vocabulary. It may be cynical, but it forces a vocabulary that becomes, in fact, our vocabulary.

And, so, I think this is what makes the Helsinki process a useful one.

That would be my summary, Mr. Chairman.

As I say, I'd like to spend my time answering the questions of the kind you posed, which I suspect we will be discussing over the next several months. And I look forward, in those next several months, to maintaining a close and not just informed, but, in substance, a close cooperation with you, and the Cochairman, and the members of the Commission.

Thank you.

Chairman D'AMATO. We certainly look forward to that.

And I'd like to publicly acknowledge the fact that you have met with the cochairman and myself, and I think in quite a candid manner, to address some of our concerns. You have privately answered some of the things which we'll bring up in public today. You answered my satisfaction I might add. I think we're headed in the right direction.

Ambassador Novak.

STATEMENT OF AMBASSADOR MICHAEL NOVAK, U.S. DELEGATION TO THE BERN EXPERTS MEETING ON HUMAN CONTACTS

Ambassador NOVAK. Thank you, Senator.

I want to thank this Commission for its support before, during, and after the Bern meeting. The work supplied by members of the Commission, particularly at Bern, from Michael Hathaway on through every member of the staff, was just terrific, and I can't thank you enough for it.

Chairman D'AMATO. Mr. Ambassador, may I ask you to draw that microphone——

Ambassador NOVAK. Yes, sir.

Chairman D'AMATO [continuing]. Up close so they can hear you in the back.

Ambassador NOVAK. I'd also like to thank both you and Congressman Hoyer for your opening remarks, and Congressmen Hoyer, Ackerman, and Bustamante for the tact, and reserve, and graciousness they showed while they were in Bern. They were really the perfect visitors and delegation to come in. They saw quickly, learned quickly, and, at the same time, they allowed me maximum freedom of action, and gave advice when I asked for it. It was just exactly right, and I'm grateful for that. That's very hard to do.

I want to thank as well the NGO's who taught me so much in advance of going there and who have always been such a great support of our delegation, giving the information on the divided spouses I wouldn't have known, on the situation in Lithuania, on Soviet Jewry, on every one of the other issues which we covered. The documentation they provided was essential to the speeches, and the comments, and the private discussions that we had.

With your permission, Mr. Chairman, I'd like to submit remarks, which are too long to go through, for the record.

Also, if you allow, I would like at least to make available to you the speeches of the delegation for the record, and then such documents as the compromise concluding document put down at the last minute, the Western proposals in their full strength as we first put them forward, and later as we had boiled them down for the Western document at the end.

Chairman D'AMATO. So ordered.

[The prepared statement of Ambassador Novak follows:]

Prepared Statement of Ambassador Novak

Mr. Chairman, first, allow me to express my deep appreciation to the Helsinki Commission for the truly welcome support it provided to the U.S. delegation at Bern.

From Michael Hathaway, your excellent executive director, to Deborah Burns and Barbara Edwards, who did outstanding administrative work under difficult conditions and often worked very late hours, and including all the tremendous research and liaison work performed by Sam Wise, Orest Deychakiwsky, John Finerty, and Robert Hand, the staff of this Commission provided indispensable service to our delegation. I thank the Commission—and each of them—profoundly.

I was especially grateful that Congressmen Hoyer, Ackerman, and Bustamante and other members of the delegation were able to be with us during the last 72 hours of the meeting. Their advice and counsel, and the tact and reserve they exercised in dealing with the entire delegation, are deeply appreciated.

Mr. Chairman, when I last reported to this Commission (on March 18), I said that our goals in Bern would be "practical results." On March 18, I defined our first three goals in these exact words:

We define "practical results" precisely. We mean movement in specific individual cases. And we mean an improvement in the general conditions for cross-border human contacts by individuals and associations. In addition, a successful meeting entails a careful review of the record of how CSCE commitments have so far been implemented.

Only later, in fourth place, did I mention that our delegation would make a good faith effort to achieve a strong final document, if a strong one was achievable. I spoke of the realism of the Allies, neutral and nonaligned in advance of the meeting, and reported to you as follows:

[We] do not, for instance, put a premium on producing a new document. Good language on human contacts already exists in the Helsinki and Madrid documents. We do not suffer from a shortage of texts. What the world suffers from is inadequate implementation of already existing texts.

It seems important to re-read this testimony of mine on March 18 because it outlines quite clearly what our intentions were when we began. The subsequent record shows that we more than fulfilled these intentions. Consider the first of our goals, movement on concrete cases.

Back in mid-March, it seemed—not only to me but to others on our delegation and to some staff members of this Commission—that we would be lucky to see the Soviet Union resolve even as many cases as had been resolved on the occasion of the summit talks between President Reagan and General Secretary Gorbachev in Geneva last November; namely, 33 of which 25 had been fully acted upon by mid-March.

Actually, in Bern there *were* some practical results. On May 20, the Soviet delegation informed us that their government was resolving two new cases and that resolutions could shortly be expected in many more. On May 26, the last scheduled day of the Bern meeting, the Soviet authorities in Moscow gave us the names of 36 families whose cases were to be resolved. They told U.S. Embassy officials that another list of names would soon be forthcoming, and, indeed, within 10 days we were given the names of an additional 29 families. About 200 persons, in all, will be affected by these decisions, when they come to fruition.

In this fashion, the USSR did use the Bern meeting as an occasion for taking action on concrete cases. It is deeply regrettable that action was not taken on these cases in the normal process of fulfilling Helsinki commitments. It is regrettable that such decisions are only made upon political occasions. Nonetheless, our delegation made the argument, in Moscow and in Bern, that the road to confidence-building lies through the treatment regimes extend to their own citizens, and that we are working for the day when the USSR and its allies will deal with their own citizens according to the internationally recognized standards they themselves have signed. In this context, I choose to interpret Soviet movement on cases as a helpful movement. The more of this the better—until all Soviet citizens share in the free exercise of those rights recognized in the international agreements their government has freely signed.

Further, the Romanian delegation resolved about half the list of 27 specific cases presented to it in the course of the Bern meeting. Outside of Bern, between April 11 and June 1, Romania approved for emigration nearly 1,200 people from our representation list. These actions clearly reflected the current state of United States-Romanian relations with respect to Romania's most-favored-nation status.

The Bulgarians resolved 12 of 18 United States representation list cases the week before the Bern meeting opened.

Second, Mr. Chairman, we aimed at movement in "general conditions." Here our review of compliance showed that there *had* been positive movement in several Eastern European countries. The borders of several Eastern European countries are much more open today than in 1975. On the other hand, there are many areas in which the situation of human contacts, in the USSR, Bulgaria, and Romania in particular, has deteriorated. Administrative practices were shown to be in many respects worse than they had been in 1975.

On the other hand, the delegation from the USSR was driven to say on several occasions that, under the new General Secretary, there would be a new "spirit," new "practices," and a reform of legislation and administrative procedures in the area of human contacts. This was in the nature of a promise, not in the nature of evidence cited. Before granting credence, it is proper to insist on evidence. Still, the delegation from the USSR did at least promise reform, in accordance with the promises General Secretary Gorbachev made to President Reagan in Geneva and at the XXVII Party Congress. Until evidence is forthcoming, skepticism is in order. Nonetheless, the invitation has now been issued to hold the USSR to fresh promises.

Our third goal was an intensive review of compliance. Such a review did go on for nearly five weeks, since the NATO nations had agree to use their time in presenting new proposals to explain from the past record why such proposals are now needed. On one day, e.g., sixteen of nineteen speeches presented evidence of abusive, noncompliant practices in the USSR, East Germany, Bulgaria, and other Eastern nations.

This drumbeat—often low-key, factual, and nonpolemical—continued day after day. Many veterans of the CSCE process said that the Bern review of compliance was the most thorough, objective, and calm of any in the history of the CSCE.

In part, this was because the main points about compliance had already been established at Madrid, Ottawa, and Budapest. Thus, the Soviet delegation in Bern only tentatively argued that the effort by an assembly of nations to monitor compliance in the field of human contacts represented "interference in the internal affairs" of the USSR. That line was dropped almost instantly. Instead, the Soviet delegation and some others chose, when criticized, to attack the critic. They did so typically with wild, loose, and passion-inflamed rhetoric, careless of accuracy and evidence, usually based upon criticisms of the West made by Westerners, and on the whole rather more damaging to the attacker than to the attacked. In responding to specific charges, we chose to welcome such attacks, poor as they were, as a way of urging the USSR and its allies to open themselves further to the legitimacy of mutual criticism from abroad, as well as to internal criticism. Open criticism is the way scientific inquiry proceeds. Open criticism is also the way political reform advances.

As in Ottawa and in Budapest, we realized from the beginning in Bern that achieving an acceptable final document would not be likely. On the other hand, halfway through the conference, and after Chernobyl, it became obvious that the USSR and its allies might wish to achieve a final document in Bern. The question remained whether this would be substantive progress or propagandistic progress. We had promised to make a good faith effort to work for a strong final document if a strong document were achievable. From the beginning, we had ruled out a weak one.

Suffice it to say that at 4 a.m. on Monday morning, May 26, the day the conference was scheduled to end, the Soviets broke off all-night negotiations. As at Ottawa and Budapest, at that point we had no document. Up until then, the Eastern bloc had refused to agree to the original Western proposals even in their modest strength, and had instead introduced damaging loopholes and qualifications. They were not willing to go very far. All that had been left on the table was a pale imitation of the strong proposals the Western nations had agreed to and tabled as BME 47.

Of course, it could be argued that some of the compromise proposals offered "marginal" or "modest" steps forward. But some of them also took steps *backward* from Helsinki. This typically happened in one of three ways: (1) in some cases, the compromise language was weaker than Helsinki; (2) in some cases, new loopholes were introduced into the Helsinki process; (3) in some cases, the point of view of the compromise proposals subtly slipped away from the general obligations already agreed to under Helsinki, and began to treat some obligations, given existing violations, as goals we need to make progress toward. This last point deserves comment. Helsinki represents obligations agreed to by participating states; it does not represent goals to be striven for. To treat Helsinki obligations as goals toward which progress must be made is to alter the character of the Helsinki Accords in a potentially fatal way. They are not goals but general obligations.

Mr. Chairman, three or four of the compromise proposals may at first glance appear to represent the largest among the "modest" steps forward. Among these, for example, are the proposals on postal and telephonic communication and on religion. Under close analysis, the compromise resolution on postal and telephone service has one good quality and one weakness. The good point is that it would bring documented abuses in this area under the compliance review of the Helsinki process. The weakness is that the proposal basically reminds the participating states of obligations which they already bear under existing international conventions, and which are nonetheless being flagrantly abused.

As for the proposal on religion, the compromise formulation is not only far weaker than the modest original Western proposal. It is in virtually the same form that the Western nations had rejected during the negotiating process. The West had rejected this form for three reasons: (1) no less than other citizens, religious citizens have universally recognized rights to travel and to receive publications through the mail; (2) the restriction of the proposal to official "representatives" of religious organizations—but not to "individual believers"—is an intolerable infringement of universal rights; and (3) the right to receive and to carry with them religious publications and religious objects is confined to the extremely narrow limit of "for their own use"—i.e., not even for the use of their congregations or fellow believers. This is an intolerably narrow reading of basic human rights.

Mr. Chairman, I said in Bern that the compromise document did make *some* marginal advances. But when one looks at the sum total, one must add up the minuses as well as the pluses. No one asserted that the pluses are more than "modest"; some said "marginal." But when you count in the minuses, even these modest gains are reduced.

Moreover, the judgment one must make is whether the demonstrated record of noncompliance on large and basic issues, amply documented during our debates, truly gives hope that even "modest" or "marginal" improvements in new language will be taken seriously, when already existing large obligations are not. Judgment must be focussed on the probabilities of future compliance.

First, then, it is essential to compare the last-minute compromise proposals with the corresponding texts of Helsinki and Madrid. One must do this critically, with an eye hardened by experiences of violations since then.

Second, one must compare them as well as with the original Western proposals on the same subjects. What are the pluses and the minuses? How does the whole add up? Our judgment was and is that the negatives either outweigh or come close to outweighing the positives.

Next, one must factor in the demonstrated record of noncompliance on matters large and small. In that context, our judgment is that the negatives clearly outweighed the positives. To accept the Bern compromise would have been to accept a document that could accurately be characterized in this way: some of its proposals merely repeat Helsinki provisions already being violated; some of its provisions are weaker than or more flawed than Helsinki; some (such as the one on religion) would have established possibly damaging precedents; and a few, at best, went modestly beyond Helsinki. (Even these last, alas, sometimes advance more *specific* language, but in a way that detracts from general obligations that already cover such specifics.)

In terms of policy, the most important point in the Helsinki process is its credibility. Solid words must not be allowed to become empty words. Agreements entered into merely to have agreements cannot be allowed to diminish public trust. Above all, agreements cannot be allowed to weaken the trust of those who suffer today because of large-scale and systematic noncompliance. In such circumstances, to enter into certain kinds of agreements would be a fraud.

Mr. Chairman, I told this Commission last March 18 that the goals of my delegations would be: (1) movement on concrete cases; (2) efforts to bring about greater compliance in specific types of cases; and (3) a thorough review of violations of the Helsinki Accords. I leave it to this Commission to judge how well we achieved the three goals we set out to achieve.

I also told this Commission that our delegation would not accept a weak document. I said then that the integrity of the Helsinki process depends, first of all, upon credible compliance rather than on the addition of more words. I again leave it to this Commission to judge whether, in difficult circumstances, we kept our word and showed proper judgment on the specific document at hand.

Finally, Mr. Chairman, I am more convinced than when I undertook this assignment that the CSCE process is worth every ounce of energy that this Nation can put into it.

That process depends on taking words with utmost seriousness, words signed by heads of government of thirty-five participating states. The CSCE process has borne great fruits in some countries in Eastern Europe and has heightened standards of international behavior. More than that, a newcomer to the CSCE process notices immediately the extent to which the language of Western ideals permeates not only the Helsinki Accords and the Madrid Concluding Document, but also the daily debates in plenary discussions and working groups. Even the Marxist countries rarely speak a Marxist language; even they are often obliged to use the language (even though not following the practice) of open societies. In the context of human rights, the importance of words is very great.

Mr. Chairman, looking forward to Vienna, when the whole range of the Helsinki Accords will be under discussion, the Allies have a much better opportunity to make real progress in the areas of human rights and human contacts—for three reasons. First, the range of subjects on the table will be larger, greatly expanding the scope for meaningful negotiations. Second, the process will be open-ended. In order to achieve meaningful progress, it will allow a time period much longer than six weeks. Third, in Ottawa, Budapest, and Bern, the Allies have taken great pains to arrive at common, strong proposals. These proposals, carefully hammered out, already at hand, form a magnificent platform for real progress under the "third basket." In addition, a thorough and documented review of noncompliance is now part of the full record from which Vienna can proceed.

Mr. Chairman, the work of the Helsinki process is extremely important for millions of human beings. The work of this Commission in furthering that process is vital. Permit me once again to thank this Commission for the support it gave my delegation before, during, and now again after the Bern meeting.

Ambassador NOVAK. A few comments if I may.

When I came before this Commission last March, again on the 18th, I defined our goals before all of you and promised you that these would be our goals. And these are what you sent me off with.

In these exact words I said, "we wanted practical results." And I said, quote, "We define practical results precisely. We mean movement in specific individual cases." That was the first thing. "And we mean an improvement in the general conditions for cross-border human contacts by individuals and associations." That was the second goal.

And, in addition, I said, "a successful meeting entails a careful review of the record of how CSCE commitments has so far been implemented."

Those were our goals.

I mentioned a little later in the presentation before you, and again I quote, "We do not put a premium on producing a new document. Good language on human contacts already exists in the Helsinki and Madrid documents. We do not suffer from a shortage of texts. What the world suffers from is inadequate implementation of already existing texts."

Mr. Chairman, on the first goal, concrete cases, I had mentioned to members of your Commission that if somebody came to any of us and said, "Would you give 8 weeks of your life, to go to Bern, if you knew that from that action 10 or 12 persons would be freed to rejoin their spouses or families, would you do it—and I believe that everyone of us would do it. But, in fact, the concrete cases on which we saw movement in Bern numbered 74, and the number—in the Soviet Union alone. And the number of persons involved in those concrete cases comes to well over 200.

I won't go through the numbers in other countries, but they were numbers worthy of attention.

Second, on movement in broad categories of cases, we had hoped that we would see perhaps an up-tick in the immigration figures from the Soviet Union and from some other places. We didn't see that.

We did, though, hear the Soviet delegate, on more than one occasion, promise that there would be a major overhaul, major reform, in the area of human contacts in accordance with words that General Secretary Gorbachev voiced at the 27th Congress.

He also promised improvement in administrative practices.

For this we have no evidence. But these were promises which the Soviet delegation made in Bern. They are additional words to hold them to.

I'm sorry that that's the best I can offer on our second goal, movement on general categories.

On our third goal, the thorough review of compliance, I can tell you that we had almost 5 weeks of this review—not only the 3-week period scheduled for it in the agenda, but, through agreement with our NATO allies, also in the 2-week period in which we introduced new proposals. Each of our allies used the opportunity of introducing a proposal to spell out the reasons why it was necessary and, thus, to review again the specifics of compliance.

Veterans of the process—those who had been at many meetings—said that this review was more low-key, less polemical, more thorough, more complete then any that preceded it: in effect, the best compliance review they could remember.

The tone of the debate forced even those who were being most often accused not to seek refuge in a device they had used before, which was to say that it's wrong for other nations to interfere in their internal affairs. No. They now, having learned from Ottawa and Budapest, used the opportunity, rather, to criticize those who criticized them. They did this often, very badly. But they certainly accepted the legitimacy of each of the nations holding one another to the standards that jointly we all signed at Helsinki and at Madrid.

And, thus, the review of compliance was much better than I felt I could have promised you in March, and much more satisfying to all of us who took part, including our NATO allies, to whom we owe so much.

I need to say a few words about the document and then to summarize some of the general lessons which, as a newcomer to the process, I derived from the experience in Bern.

First, I would have to credit the staff of my delegation, particularly those from the Department, for their intensive and very close work with our NATO allies in preparing some marvelous NATO proposals, well shaped, well reasoned—again much better than I could have promised you last March, after our first meeting with NATO in Brussels.

The 20 proposals NATO came up with are a very sound platform for movement in the human contacts area in the future.

These were achieved with the most splendid cooperation among our allies that any of us remembered.

I promised you, back in March, that I would not accept a weak document. I said before you here that, in the general situation of the deterioration of compliance, in which good words were not being taken seriously, to take marginal words, or modest words, or weak words, would be a mistake.

I feared that that would leave me in the position of facing a document at the end which was marginal, on which reasonable people might disagree. There would be some good points to it and some bad points to it. It would be in a kind of a grey area. And I feared that that would be an exceedingly difficult decision to make.

The final text turned out to be just that. But I must say it was on the lower end of marginality, at least as we saw it.

Let me explain. When we came to Switzerland, even the Swiss Government took pains in the first weeks to say that one should not judge the success of the Bern meeting by whether or not it achieved a document—and to prepare their public accordingly.

Meanwhile, we had promised a good-faith effort, that if a desire for a document developed at the meeting, we would do our best to make it a strong document; in which case, we could accept it.

As Congressman Hoyer already mentioned, at 4 in the morning of the very last day, Monday morning, May 26, when the meeting was scheduled to end at 4 in the morning, the Soviets broke off negotiations.

That meant we did not have a document. And we went to bed a little after 5 thinking we didn't have a document.

Three or four hours later, the neutrals and nonaligned tried one last time, putting together the weaker proposals on which compromises had been reached in our negotiations before they were broken off.

They were able to put this compromise document down only on a take-it-or-leave-it basis, without discussion, and not to the full plenary, but in the negotiating sessions.

You could look at this document two ways. Some would concentrate on the small improvements in some of the texts. In many of the proposals, there isn't any improvement on Helsinki. And others would focus on those proposals which, in fact, retreated from Helsinki or introduced loopholes of a dangerous and potentially fatal sort into the document. The latter would focus as well on some of those which barely embroidered Madrid or Helsinki, which only by stretching things could you say improved Madrid or Helsinki at all.

In any case, we saw the whole together for the first time that morning—and with unease, and then a growing determination that there just wasn't enough here to bring home, without sending a false signal about the general state of noncompliance with the very strong words of Helsinki and Madrid.

In the negotiating process, something like the Stockholm syndrome takes place, in the sense that there comes to be great tension and unease until you're finished, and a very strong desire to conclude a document, as if concluding the document is, by that very fact, a step forward.

There goes with that a notion that if we make progress in words, and have a modestly improved set of words or a marginally improved set of words, that represents progress in the Helsinki or CSCE process.

But the thought hits you very strongly, as it has often been voiced in this Commission, that if some nations fail to obey the strong documents of Helsinki and Madrid, the probabilities are that they will also fail to obey the subsequent modest improvements. And, thus, by giving modest statements and some statements which, in some ways, even retreat from Helsinki and Madrid, you may be approving of the gradual erosion of the seriousness of the process, in which words become detached from reality and no longer have bite in reality, and in which we seem to be focusing on adding new words rather than on maintaining the solidity of the words that are there.

Now, I want to repeat that our NATO allies and we cooperated not only with thoroughness through the weeks of this conference, but with an extraordinary experience of camaraderie. And, therefore, it was all the more painful when, in those very last hours, without the possibility of discussion, on a take-it-or-leave-it basis, we were confronted with a document which was in the marginal area.

Some of our allies very much wanted some of the proposals in this document. And others were torn between going with them or not.

Because it was a Monday, a Memorial Day, with a 6-hour time difference from Europe, the U.S. delegation needed a bit more time to consult, and to solidify the decision, and make sure we were all agreed on it.

Mr. Chairman, the situation might have been somewhat different had the immigration figures gone up in recent months, had new regulations, improving matters in some of the countries which have imposed very bad regulations, making the obedience to the Helsinki and Madrid provisions even worse than before. But there hadn't been these signals in reality. And there wasn't any movement in the negotiating progress to make a really substantial step forward.

Thus, our decision, although painful, was not all that difficult. It was difficult—don't misunderstand me. But we made it with a rather strong assurance that we were doing the right thing.

We deeply regretted that there wasn't time to make our case, and argue, and take, as it were, a thorough sounding among all our NATO allies, but there wasn't.

Now, there are a couple of practical suggestions I would like to make, if I may, from this experience.

When there is a meeting, perhaps a meeting of experts of whatever sort, but with a deadline time on a very short time schedule—in our case, 6 weeks—it might be wise to discourage the effort to develop a document.

It's not a good idea, I think, to try to develop a document under a time deadline, when there's been only a very short time, and when you have to live with the legal implications of these proposals for a very long time afterward.

A Monday is also a very bad day on which to end a meeting, when, for all of the delegations, it was difficult to be in touch with foreign ministries and the State Department.

Finally, I would like to say that the great value of the CSCE process, and particularly the meetings in Basket III, is the emphasis it does place upon compliance.

There isn't any other mechanism we have to review compliance in the human rights and human contacts area.

And to bring, as Ambassador Ridgway said, all of the countries, all of the signatory countries, into a context in which the values of ancient Europe, rooted in Judaism and Christianity particularly, about the importance of the individual, and the freedoms that belong to persons, and community, and the rest, governs the proceedings. The language of the CSCE process is overwhelmingly the language which most of the European nations share. That creates a pressure on all the other countries to speak that language and gradually to feel the bite of needing to comply with it.

Third, the effects on some of the Eastern European countries that show some goodwill to make improvements are quite impressive.

It's not true that all the Marxist countries have identical records on human contacts. Quite the opposite. Some of them have remarkably open borders and have made remarkable improvements in the years since Helsinki, and these improvements are worth working for.

Mr. Chairman, I conclude that this process is important to millions of people. It's worth taking seriously. It's built upon the strength of words. And it is worth taking those words with utmost seriousness, and seeing to it that they really do bite into reality. If we allow these words to become separated from reality, the process will lose its meaning and it will become a fraud. That is far from having happened. It is a serious process, and there are changes in the world because of this process.

So, I come away from this meeting in Bern, with a much deeper respect for the CSCE process than I had before, with much more evidence about the good that it is doing and the progress that it is slowly making, in Eastern Europe particularly. Finally, I come away with a deepened respect for, an affection for, our allies, whose support and unity throughout this meeting, and cooperation during this meeting, were absolutely remarkable, until the very end.

One of the things that characterizes our alliance is that we allow one another freedom to make different practical judgments, even at the expense of some pain.

There was a painful ending to the meeting. But I continue to believe that we did what was necessary to preserve the integrity of this process and to point toward Vienna, where, for various reasons, even more substantial progress can be hoped for in the area of human contacts.

Thank you, Mr. Chairman.

Chairman D'AMATO. Thank you, Mr. Ambassador.

Let me note that my cochairman Congressman Hoyer and Commission member Smith have left for a vote in the House, but will be returning.

So, in their absence, let me pose some questions to you.

Mr. Ambassador, the United States again, as you've recounted, was alone among the participating states at Bern in rejecting the compromise document.

What could or should we have done to bring along our allies in support of our position?

You recognized, in your concluding remarks, that it was painful to be in that position, particularly with those allies who support the same goals that we seek, to be in a position where they urged us to sign the compromise document and we rejected it.

What could or should we have done and what should we do in the future to avoid that kind of a situation?

Ambassador **Novak**. Mr. Chairman, I've asked myself that question many times. But we were faced with a take-it-or-leave-it document, in a situation without the opportunity for discussion or debate.

At 10 o'clock, the night before, I had said in the NATO meeting that unless the document were strengthened beyond the place it had reached at 10 o'clock Sunday night I didn't think, on the basis of what I had said before this Commission and there many times, that our Government would be in a position to support it.

So, everybody in NATO heard those words. There were speeches about it from various other members of NATO.

And we said, let's go back in in the next few hours and work for a stronger document. There were still some very good Western proposals on the table that had not yet been included. If we could get them in, that would strengthen the document.

We didn't succeed. At 4 in the morning, the Soviets walked out. We left that point thinking there is no document. And, of course, we had all said that that's not the—that's not the decisive factor in the Bern meeting. What is decisive is the review of compliance and, in our view, also movement on cases and in general areas. And that review had been splendid.

So, we were prepared, at that time, to leave and say this meeting had accomplished its main purposes.

Chairman **D'Amato**. Secretary Ridgway, you wanted to say something?

Assistant Secretary **Ridgway**. Mr. Chairman, you, at the conclusion of your question, asked a secondary question—how could we avoid this kind of thing in the future? And I'd like to just comment on that.

Because while alliance unity is important and was very much, as Ambassador Novak has said, a contributing——

Chairman **D'Amato**. Secretary, could you speak right into that larger microphone? That's it.

Assistant Secretary **Ridgway** [continuing]. A positive contributing factor in Bern. We also have a set of principles to which we're deeply attached. And the alliance unity is important.

Documents, if you judge them to be meaningful, can be approved, if that judgment is available to you.

But, when the time comes to finally make the last call, the desire to avoid something can't really be the measure. You just have to go with what—with what it is that you believe in.

The second comment I'd like to make follows up on what Ambassador Novak was saying about the time frame.

The rules of the conference, at the last minute, prohibited a further and extensive consultation. I am confident that had the rules of the conference enables a further consultation that, in fact, the United States would not have been the only country to deny consensus on this document.

Chairman D'Amato. In that light, let me ask you, what have been the consequences of our refusal to sign the document in relationship to our NATO allies?

Have you had an opportunity to consult with our allies? And what has their response been, upon reflection, with respect to our course of action?

Assistant Secretary Ridgway. Mr. Chairman, I've had several opportunities to consult, shortly after the conclusion of the meeting. There was the NATO ministerial meeting in Halifax, which brought together all of the NATO countries at several levels, gave me an opportunity to consult with the colleagues with whom I normally consult in the preparation for such conferences.

There was a sense of concern that some—at point the United States and the European members, the Western European members—had lost track of an agenda, that perhaps what happened reflected a difference in substantive point of view and not just what procedures can do to shared substantive points of view.

Since that session in Halifax, I have received a number of ambassadors from our NATO allied countries, who have sought to call upon me here in Washington. And the same theme has emerged.

There were lessons to be drawn, and they were positive lessons. But consultation is important, and we have begun now for Vienna. That preparation and a sense of shared objectives is important, and we have to begin now.

It provided an opportunity, and there was a suggestion of the need for this in what Ambassador Novak said, to remind ourselves that documents have never been the objective.

Compliance, implementation, the moving forward of broad principles have been the objectives. It was a good reminder for that.

There is a need to straighten out some of the rules. What is meant by participation in the search for accommodation? Does it mean implied approval? Or does it simply mean that you are committed to doing what you can, but you retain the right, at the end of the process, to say what has emerged does not meet our long-term objectives? What instruments do we have to make sure that we don't lose sight of those long-term objectives as we go through this?

So, I would say that in the some, now, 3 weeks since the conclusion of the Bern Conference that there has been a measured, reflective, and entirely constructive dialog going in with the alliance on what that experience meant, what it didn't mean, and what we should build on with respect to Vienna.

It's been a lesson, I think, for all of us, not in the sense that makes us second-guess the decision that we made, but the need to have people understand U.S. objectives clearly.

Chairman D'Amato. Let's look at the other side of that coin, so to speak.

Supposing we had agreed to the compromise document in Bern, what effect, in your opinion, would that have had on our ability to effectively press on the issues of the Soviet violations of human rights commitments at Vienna and followup meetings? Do you feel that the Soviets could have used the Bern documents to indicate to the world at large that it has made progress and that we have acknowledged their progress in human rights?

Assistant Secretary RIDGWAY. That's a tough question with lots of implications I think we will be talking about for some time.

My own sense is that the acceptance if the document would have harmed the clarity of the principles. And Ambassador Novak has spoken eloquently on this. And I am sure he will want to say something.

It would have affected the clarity of the principles, and, therefore, it affects your ability to get out and speak for them.

When you begin, as one sees in the document, to say that some categories of people in the human contacts area have a greater right to the principle than others through administrative procedures, you begin to really—I can put it plainly—mess up the force of your argument. It isn't as strong as it could be.

But if the document had been accepted, I'm confident that the United States and many of its allies would, nevertheless, not have allowed that document to compromise the principles. We would have continued to speak to the broad principle.

There were good reasons, as Ambassador Novak, on the other side of the argument for accepting it, depending upon where you're sitting in the problem of humanitarian exchanges and contacts.

And if the consensus had, the arguments had gone the other way, we would have still made sure that the principles weren't affected.

I think it's an even call. I don't think we would have allowed ourselves to pay a price either way. We would insist that the principle stay intact.

Ambassador Novak had to struggle with that one all through that Memorial Day.

Ambassador NOVAK. Yes.

Assistant Secretary RIDGWAY. And perhaps he can say.

Chairman D'AMATO. Ambassador.

Ambassador NOVAK. Mr. Chairman, there was a tendency, as I mentioned, in the room in which you're enclosed during the negotiations, a tendency against which one had to fight, a tendency which was, first, to think that the relief of tension will be the signing of a document and that will be progress.

Chairman D'AMATO. Yes.

Ambassador NOVAK. And you had all warned me very much against that. And those warnings helped a great deal. They were always in my mind.

Second, there was a tendency to think: Look, our compliance review has shown that there is deterioration, but let's be realists. We have to look at the Helsinki accords, as it were, as objectives. Let's begin from where we are today and see if we can make progress from today. Thus, there was a slight tendency then, at least I felt it, to regard the Helsinki accords not as binding obligations that we had to live up to, but as objectives in the future toward which we had to make progress.

And that accounts for why it is that on some of the proposals in the text there is a tendency to weaken the sense of obligation and to put in its place a sense of an objective to be aimed. I think that that changes the nature of the process and erodes the fundamental agreements.

Now, some of the signs of this, I might point out, are when there are new loopholes put in.

Two of the ones that most nagged me that night, even as I was trying to sleep for the 3 hours we had to sleep, were the compromises we had reached on No. 2 and No. 3 of the compromise proposals. They were about family visits or families traveling together.

The loopholes were these words—"when personal and professional circumstances permit." These words occur in two of them. That's new language.

What worried me is that the Soviets had already been saying some things like that as reasons why people weren't allowed to travel.

As we reached this compromise language in the meetings, it seemed much more sensible than the alternatives which the Romanians and the Soviets had been offering. And taken in commonsense meanings, it seems OK. How could you go for a family visit unless your personal circumstances permitted? You'd need to have the resources. As for professional circumstances, you'd need to have time off from work. It's just common sense. But then it nags in the back of your head, and you think: What is a cynical government going to do, a government that is already not complying with the obligation to let families travel in the first place?

That obligation is there since Helsinki. All these families should be able to travel.

But now we've introduced a loophole which says, "when personal and professional circumstances permit." And a cynical government can change those personal and professional circumstances. We've given them one more reason not to comply.

You cannot live with that.

Now, you might have been able to do it if at some other place there were some very strong proposals. Then, on balance, you would have said, well, maybe we can take a little bit of loss to get a bigger gain. We didn't have those bigger gains, in my judgment.

Chairman D'AMATO. Mr. Ambassador, I'm not going to ask you any further questions. I know my cochairman and Congressman Smith have questions.

You pointed out that one area which could provide the Soviets or others a way to say that they are complying with their obligations when, indeed, they may be even more virulent in their denial of basic human rights.

What other area? You mentioned two. You mentioned this one. You mentioned another. Were there other areas about which you had reservations that you would care to share publicly with this Commission?

Ambassador NOVAK. Let me mention that a very large number of the proposals, if you hold them up to the exact texts of Helsinki and Madrid, either merely repeated those in barely other words, with hardly any new force—maybe embroidered with one new word or so; or fall back to something more narrow.

Let me explain. There was a tendency to think that if we could express some more, more specifically, we were making progress by going beyond Helsinki. Thus, we applied the general provisions on freedom of travel, and family visits, and so forth, to a specific case such as migrant workers. That would be an example.

Well, that is, in a sense, progress. You're more specific. Until you stop to think—wait a minute. If the original law is general and covers all cases, there's a bit of danger in becoming specific, that you're weakening the force of the general law. You're now looking at this specific, and calling attention to it, forgetting that this should have been done for this group and all the other groups already.

Mr. Chairman, I really don't want to denigrate the compromise document, case by case. I just want to say that if you look at it with hard eyes, seeing how these general provisions of Helsinki and Madrid have not been being complied with anyway, then you find all the loopholes through which these new ones will not be.

If you look at it with very generous eyes, saying, well, in this or that way it makes a little progress, you might come to a different addition of pluses and minuses.

Chairman D'AMATO. If I might be permitted to attempt to characterize your opinion, you were saying that rather than making progress in this area, we were facing the danger of allowing Eastern States, particularly the Soviets, the opportunity to use this language to further erode the force of their human contacts obligations under the Helsinki accords.

Ambassador NOVAK. That was a real worry.

There are several proposals, for example, which show the tendency of moving the center of gravity for these discussions out of the Helsinki process to bilateral or multilateral fora, which would be if followed through, evacuating the Helsinki agreements of some of their focus.

Chairman D'AMATO. Some nations had unique circumstances they were considering as they attempted to accomplish their own goals, be it exchange of visits, reunification of families, et cetera. This may have been the Soviet's tactic to gain their support, but as it related to the basic human rights principles, adoption of these narrow specifics could have been a great disservice to 30-plus other nations or to the peoples in those nations. Such narrowing language would have undermined existing guarantees of their rights and our efforts to seek compliance under them. Would that not be the case?

Ambassador NOVAK. Mr. Chairman, thinking ahead to how this would be regarded 10 years from now and the abuses that might have grown from it, that's exactly what worried me.

Chairman D'AMATO. Mr. Ambassador, I hope that we would convey again, in the strongest terms these concerns to our allies. I know from having spoken to Secretary Ridgway that these concerns on our part already have been expressed to our allies.

I think we have to sharpen them. I think we have to place our objections and our reasons on the record for not going forward with this compromise agreement. There are many members of this Commission who have a feeling that to just go forward and support new agreements without gaining compliance in those areas that are already spelled out, where there has been just violation after violation, to have engaged in that process would have been a great disservice to our role.

I share that. I think, though, I have to be candid. We could have done a better job.

I understand the time problem. You mentioned 4 a.m., the time constraints, et cetera, as the unique circumstances that perhaps made it difficult if not impossible to achieve a better understanding with our allies, so that they could have acted in concert with us. If not all of them, at least many of them shared a similar concern. I've been given to understand, again by Secretary Ridgway, that there are many allies who are now saying to us, we're pleased that you did not agree to that compromise document, because we see it was fraught with difficulties.

I think that's important to let the nongovernmental people, et cetera, understand the reasons for our decisions and our actions.

Congressman Hoyer.

Cochairman HOYER. Thank you very much, Mr. Chairman.

Mr. Ambassador, I want to apologize to you for Congressman Smith and I leaving in the midst of your presentation.

As you know, we had a vote on a rule, and we had to be there.

Mr. Ambassador, let me first posit this question to Secretary Ridgway.

One of the things that I think we need to learn—and I note that Secretary Schifter is in the back of the room—from these experts meetings—and I agree that they have been very useful as platforms for presentation of our views—is what procedures did we follow that worked and what procedures did we follow that didn't work in terms of a strong unity of purpose ultimately expressed by our allies.

If there was any failure in Bern, it clearly was that we were criticized, particularly in the European press with respect to getting to that objective of allied unity and where the United States was vis-a-vis its allies.

What have we learned from Bern, if you have had the time to analyze this, which will be useful to us in Vienna?

Assistant Secretary RIDGWAY. I think we've learned a great deal.

And I don't wish to trivialize it by hearkening back to what Ambassador Novak just said about some of the things we might learn about short-term experts meetings and whether we agree ahead of time that we won't be seeking documents from short-term experts meetings.

And just the way the conference, on an American holiday, with a 6-hour time difference, an American delegation with—on a Monday—it didn't even have to be a holiday—an American delegation will always be at a disadvantage. It's still Sunday, with people returning to town when these kinds of conferences begin closing at 4 a.m.

In fact, the record of consultation on that Memorial Day is—undoubtedly you know, Congressman Hoyer, it was pretty good. We located everybody throughout Washington. The delegation and all of the top leadership involved was, in fact, engaged in the process, but it wasn't easy.

And the last day's procedures, perhaps we ought to take a look at experts' meetings, if they're going to have last-day documents.

We found—I found, much to surprise, as Ambassador Novak and I were discussing, that he didn't have available to him a request to the conference leadership to turn the clock to the wall. It quite startled me. I guess it shows how parochial we become.

I thought everybody, everywhere, in procedures of this kind, had a subparagraph 1(a) that permitted turning the clock to the wall until you settled this. But it did not have that technique available.

And, so, I would say the lessons were principally procedural. Because the substantive question is, as you have expressed concern to me before, and as Chairman D'Amato just put it in his last question to Ambassador Novak, there is a fundamental difference I think in how the United States and the Europeans view this feature of the CSCE process.

The Chairman put it in terms of those Western European states looking for closer relationships with Eastern European states, where, in fact, they may be on a day-to-day basis making an improvement in people going back and forth, and they need one more fix on a particular administrative problem that has come up, and they look to this process to help them obtain that fix.

We are looking at the principles. We have a different set of humanitarian concerns, a different set of relationships with those same countries, a different constituency in our country. And the difference is always going to be there.

And I can't think of a procedure or a consultative process that can do anything more than smooth out the discussion of the difference. But I don't think it will make the decision at the end of the day in any one of these sessions any more easy, either for us or the allies.

Cochairman **Hoyer**. Mr. Ambassador, you wanted to comment?

Ambassador **Novak**. Mr. Congressman, the clock had been stopped, as you know. I think the last day was—I don't know if it reached 100 hours, but it must have been, unofficially.

However, the Swiss Government did have the problem of having the meeting in a hotel whose space had already been scheduled. And while we did run over into the next day, there was a finite limit beyond which we just could not go.

Max Kampleman, our negotiator at Madrid, who did such a superb job, had told me that on three different occasions he found himself in the position of turning down a neutral plus nonaligned compromise document because it was too weak.

But his advantage was, he had an open-ended procedure. And he could send everybody back to try again.

We didn't have that possibility. It was take it or leave it. And there wasn't even an opportunity for discussion of it so that you could air all the differences.

In any case, that's what made the last hours difficult. They were not difficult in this sense: once we had formed a judgment about what the right thing to do was. Of course, it's difficult to face the flak that arises. But, on the other hand, you have the confidence that in the long term of history, it is more important to defend the solidity and the sacredness of the words of these agreements and to see to it that they are complied with, than simply to have an agreement which is a weak agreement.

Cochairman **Hoyer**. Madam Secretary, on another matter, which you touched on and the Ambassador has touched on: What role are we going to accord to the resolution of individual cases and how will we send that as a fairly clear message?

I think all of us could posit that perhaps the failure to sign the Bern document was a pretty clear message that we sent.

Is it your view that had those cases, for instance, been resolved 1 week before the end of the session, that we would have been in a different position in looking at the document, or would we have been in the same position? If so, what message does that convey as we proceed toward Vienna?

Assistant Secretary RIDGWAY. One has to be very careful here, Mr. Congressman, not to suggest that principles somehow can be laid alongside of particular quantities of cases solved, and that you would compromise principle in order to—against units of 5, 10, or 15 cases.

And that's the danger that we must—we must be alert to.

But I think it is fair to say that had the cases that came to us in the last hours come to us a substantial period before, and had we been able to confirm them and begin the work, certainly they would have had to have been taken into account, and they would have weighed heavily.

I'm not suggesting the outcome would have been different. But certainly they would have had to have been taken into account. As it was, they could not be importantly taken into account because we didn't hear about them until those very last few hours.

Cochairman HOYER. Let me ask an additional question, Madam Secretary.

As I said in my opening statement and as you know, I initially went to the CDE Conference before Bern.

Do you perceive any effect on the CDE Conference as a result of the Bern meeting?

Assistant Secretary RIDGWAY. I do not.

Cochairman HOYER. Do we see any relationship?

Assistant Secretary RIDGWAY. I do not expect any, any effects there.

I, perhaps—in a preliminary analysis, people were ready to conclude that somehow our allies would deal gingerly with us, thinking that somebody didn't understand what we were doing. But none of that has happened. I didn't expect it to. I'd admit that it was a possibility, but I didn't expect it to. It hasn't happened. And there's been no effect in Stockholm.

Cochairman HOYER. Last question.

I have some other questions, Mr. Ambassador, that I'll ask after Mr. Smith has his opportunity.

Either one of you may answer this: What do you think prompted the Soviets to resolve those cases at the last minute as they did?

Do we perceive that it was a direct attempt to influence the adoption of the document? Or was it simply a coincidence that the resolution of those cases, pursuant to the summit, occurred at that time?

Have you analyzed that? Do we have any opinions on that?

Assistant Secretary RIDGWAY. I certainly don't think that it was a coincidence, Mr. Congressman.

I think that the timing, late as it was, was carefully thought through.

But I wouldn't want to say that it was simply an effort somehow to affect the outcome of the conference with respect to the document. In fact, it wasn't ever presented that directly to us.

I would like to believe that this kind of thing should be assigned on the success side of the ledger for the CSCE process, that having signed international commitments, having signed on to principles, having gone through experts meetings and implementation reviews, that the Soviet Union has come to conclude that there is a public audience.

Now, it may not pay a great deal of attention to that public audience, but it certainly knows that it's there. And it knows that what it does positively will be noted, as well as that we see to it that what is done negatively is noted.

So, I think it's had an impact. I think that they have felt that they had to do this kind of thing.

I also believe it had something to do with the summit meeting between President Reagan and General Secretary Gorbachev, in which the two men agreed that humanitarian cases would be settled expeditiously between the two countries. And between the summit and the Bern meeting that hadn't happened.

There had been a few cases. Yes; Shcharansky, most notably. Some 30 cases, involving a number of people, which had been promised and were only slowly being done. And, so, there was a question; What was the meaning of this undertaking at Geneva?

And Bern was a good chance to show that. So, they could do several things. They could affect the outcome of the conference. They could affect the world judgment of their performance by choosing an international conference as the occasion to make these things known. They could live up to an undertaking in the bilateral summit in Geneva. I think it was all of those things.

Cochairman HOYER. Thank you.

Mr. Chairman, I have more questions, but I will yield to Mr. Smith.

Chairman D'AMATO. Congressman Smith. Congressman Smith.

STATEMENT OF REPRESENTATIVE CHRISTOPHER H. SMITH OF NEW JERSEY

Representative SMITH. Thank you, Mr. Chairman.

First of all, let me thank Ambassador Novak and you, Mr. Hoyer, Chairman of the Helsinki Commission, for raising in Bern, on behalf of two of my constituents, the case of the Benciks, a family reunification case that's very important to me.

The Bencik children, Miriam and Roman, are still living in Czechoslovakia. Alice Bencik, the mother, is an American citizen who, several years ago, married a Czechoslovakia national. When they came to the United States to help Alice's sister, who lives in my district, the family became separated. Unfortunately, there is a great deal of pain and trauma associated with that.

Thank you for raising that issue.

To update you, I did meet with Dr. Brendka of the Czechoslovakian Embassy, for over 2½ hours 2 weeks ago. We discussed different ways that we could find a resolution of this case. I am most hopeful that we will.

I would agree with you, Ambassador, that it's important that we look at or put an emphasis on implementation of current agreements rather than new verbiage.

There is no shortage of texts, as you pointed out. I think that your emphasis is a right one, that we focus on compliance to ensure that the signatories to the Helsinki accords are living up to their obligations.

On page 3, you indicate that the Soviets said that under the new Secretary, under Secretary Gorbachev, there would be a new spirit—a reform of legislation and administrative procedures in the area of human contacts were to be forthcoming.

Do you have any real expectation that between now and Vienna the U.S.S.R. will move forward in this area? Or do you think they were making idle statements?

Ambassador NOVAK. Congressman, it interested me that they went out of their way at Bern, toward the end, to speak of these things in some terms that were not startlingly new, but a little bit new. And I think they should be held to those.

So far, though, at least I'm not aware—I'm not in the Department every day, I'm not in the Government as a normal matter of course. But, so far, no evidence that there is movement on these things has been brought to my attention. And, in fact, as Mr. Korey, one of our witnesses, has written in today's Wall Street Journal, an article which also ought to be introduced on the record I think, about the matter of immigration from the Soviet Union. It has slowed to one of the lowest marks in history. It's no more than a trickle.

We had thought there might be a sign in that area for the Bern meeting. There was not.

So, on the record of evidence, I am extremely disappointed. But the promise was renewed. And I hope we can keep pressing them.

Representative SMITH. Perhaps the fact that we didn't sign an agreement and that we are looking carefully at the text will be acknowledged as a sign of our displeasure with their lack of compliance.

Ambassador NOVAK. Mr. Congressman, we wanted to say, by every means possible, that we are serious about these words.

It is reality that counts. And we are going to keep our eye on it. And we are not going to deviate from that.

And, you know, I think that can only help.

I also want to say, if I may, in response to a point Congressman Hoyer raised, that I made the argument with them that the President made to me before dispatching me; namely, like it or not, the American people are the sort of people—a Biblical people—who were taught by the Bible that every chapter is about an individual. The American people are the sort of people who pay attention to what happens to individuals.

That may not be important to you, I told them. And in many conversations with various Soviets, some of the Eastern bloc people, I found they said: How can you be concerned about a few individuals, compared to the security of the state?

I said, Get used to it, we are concerned. And I made the argument to them that it may not be important to you, but if you would keep those representation lists clean, the official lists of the U.S.

Government and other lists, your own list from this Commission, and just didn't let these cases pile up, it would have a great effect on "confidence-building."

So, if they took our argument seriously and said we can have a big effect by releasing some cases, all right. That's our argument: "You're a great country of 280 million people. You can afford to not have these cases. You can afford to let thousands of people go. Be open like everybody else in the world is. You're a big power now. Get used to your responsibilities. Relax and do as other people do."

And if they begin to hear that argument and take a few steps, I think we should encourage them.

Representative SMITH. I would agree.

In a related matter, one of the issues I have been very concerned about for a number of years has been the Romanian issue, the fact that Romania receives most-favored-nation trading status.

I have introduced legislation, now with about 90 cosponsors, that would suspend MFN for 6 months.

We had a very lengthy hearing in the Ways and Means Subcommittee on Trade on June 10. We heard a great deal of testimony about family reunification cases, religious persecution, and other kinds of human rights abuses, as well as some progress that we've seen. Some would say the progress is cyclical, because it seems to occur every time MFN comes up for renewal.

As you pointed out, some 1,200 people, the hard immigration cases, are being processed. This is certainly positive.

I understand you had some conversations with your counterpart from Romania. What were your conversations like? Could you describe some of the content of what you discussed with your delegate?

Ambassador NOVAK. Mr. Congressman, when one is sent abroad like this, one is sent abroad, it turns out, mainly to make judgments.

One judgment I had to face on the Romanian issue is that the very first delegation to ask for a private visit with us was the Romanian delegation. And we must have met with that delegation at least as often as—I think perhaps more than—any other.

We kept pressing cases, kept giving lists. We kept telling them of the deep trouble, as we saw it, their MFN status was in.

I said, "I'm not in Government normally, but as I read as a columnist in Washington what's happening, that issue is in doubt. And there's great dissatisfaction in the Congress," because of your—Congressman Smith's work and that of others. I could give them clear evidence of that from this Commission's record. "You have got to do better than you've been doing. And you had better well this year if you want to get a recommendation."

Now, he promised me that cases would be forthcoming and that he, in fact, would tell us about many of them in Bern first; although they reported simultaneously to the Department. Which he did.

And he kept telling us, every few days, every week, of cases that were announced. People had been informed, that's what he told us, as I recall it from this distance.

And it seemed to me that as long as he did that and as long as these cases kept coming—I knew it was more because of the most-favored-nation status than anything else—but as long as real people were moving out, that was our main goal. And I would confine myself mostly to private discussions with him and private urgings, rather than going public with it at the meeting.

Secretary Ridgway can tell you in more detail how it was working out back here. I will only say that the proposition I had in the back of my mind was that if we're getting more than 100,000 people out of Romania, in something over 10 years, or 150,000, at least I'm going to do my part to keep that flow going, from the position where I am.

Representative **Smith**. Madam Secretary, if you—or perhaps Mr. Ambassador Novak, could comment on the statement on page 3, in which you note that the borders of several Eastern European countries are much more open today than they were in 1975. On the other hand, there are many areas in which the situation of human contacts, in the U.S.S.R., Bulgaria, and Romania in particular, has deterioriated. You mentioned some administrative practices that have been shown to have a very negative effect on those kinds of contacts—could you describe some of those administrative laws and procedures that are hampering those kinds of contacts?

Assistant Secretary **Ridgway**. Mr. Congressman, if you don't mind, I am going to defer to Ambassador Novak, who is so up to date, and who has been working these very issues at this meeting. I think he can be far more current than I can on the specifics.

Ambassador **Novak**. Congressman, one of the themes that came out of the Bern compliance review, not only brought out by ourselves, but by our West German colleagues, by the United Kingdom, by Canada, and by some others, is that it is easy for a nation under cynical leadership to make a commitment in principle, in philosophy as it were, then, in the intervening years, design some administrative practices that make it impossible for the citizens to get from here to the promises.

So, they pledge the promises. They don't take it back. But they put intervening administrative obstacles in the way like a labyrinth. It's a maze. It's like something out of "Kafka."

Now, one of the examples that is clearest in my mind is that in the Soviet Union, for example, since Helsinki, legislation has been passed subjecting Soviet citizens to criminal penalties for helping foreigners, as, for example, for helping them go to a travel agency, or giving them a ride in a car, or having dinner with them or something.

This is an example of an administrative practice that is worse than what was there in 1975. And there are similar restrictions. But I would actually have to go back and review my notes and information on the specific practices in Romania, and in Bulgaria, and in some other places that have instituted practices of that sort.

Representative **Smith**. And that was one of the reasons why you thought that we should not sign the Bern agreement, because it too created some new caveats that the Eastern bloc could exploit and find reasons to keep people from making contact.

Ambassador **Novak**. Yes; one of the two reasons. The real fear of introducing some new loopholes. You always need to introduce a little bit of a loophole in order to get a gain. I understand that. But you worry about the balance. And if some of the loopholes are too large, that's just too damaging. That's one side.

And the other side of the calculation are the judgments you have to make. You're called upon to make a judgment. And you have to say, if they are violating the big agreements, then is a little improvement in words also going to be violated. Can you really claim to have progress if you're just making a few new words? Is that real progress, as compared with the bigger words that are not complied with?

In a good climate, you can afford to go with little measures and little words.

In the other climate, I think you're making a dubious judgment if you agree to go on. You're weakening the credibility of the process.

Representative SMITH. You think it was significant that on visiting family members, the proposed draft of the Bern Agreement mentioned to take into account important family events, and that they might use "important" as a disqualification if you couldn't prove that the event was important enough?

Assistant Secretary RIDGWAY. Mr. Congressman, from my experience, that's one of the toughest of all to call.

As you know, I've served 2½ years as Ambassador of the United States to the German Democratic Republic.

There exists between East and West Germany a very elaborate set of qualifications, very carefully negotiated between the two countries, which, in fact, expands the opportunities for travel between East and West Germany by devising exactly this formulation, that if you're going for a family 25th wedding anniversary, for your parents' 50th, if you're going for a funeral, if you're going for a wedding—and it has made it possible, in fact, to expand certain categories of travel from zero to some rather substantial amounts.

I'm really right back to the chairman's question and one that Congressman Hoyer touched on, as to what the choices become between the United States and the allies, between some European countries and those ties they have in Eastern European, and how they would proceed.

For us, on balance—and we would make the same call today—for us, that kind of an approach within the Helsinki process, not negotiated bilaterally between two countries, but within the process, severely risks the broad principles on which we have to stand.

Ambassador NOVAK. Mr. Congressman, may I reinforce a point that's in my testimony?

I understood well the progress made by the West and East Germans. The delegate for West Germany was on my floor in the hotel. We spent a great deal of time together. I have the highest admiration for him. And he explained to me, in beautiful language, exactly the point Secretary Ridgway just made, how, between West Germany and some of the other countries with which it has ongoing consultations in these matters, some of these words can be used by these countries in ways that are very helpful.

That's what I meant when I said countries of good will can sometimes use these words to good advantage.

But we also have to worry about our relations with other countries, where a different government uses these words very cynically.

And, on balance, we have to make a different choice, sometimes, from that of our West German colleagues, whose interests are so close to us. And they understood very well, from the beginning, that they would try to help us get the kind of stronger document we needed, while we would be sympathetic to all of their concerns.

And I often, in my speeches, brought up their concerns, and even without them asking me to, voiced matters very important to them. We tried to work extremely closely with them.

Alas, in this final no-discussion choice which we had, we had to weigh the document differently, because our responsibilities are somewhat different.

Representative SMITH. Thank you, Mr. Ambassador, Ms. Secretary.

Chairman D'AMATO. We have questions that we'd like to submit for the record. I know I would. In the interest of time I would ask that you respond to them in writing, so that we can get to the other witnesses.

I'd like to ask one thing though, Mr. Ambassador. If you would submit to the committee your analysis of those various points? You touched on several matters that gave you cause for concern. Please discuss those points that were included in the document, which gave rise to your concerns. You concluded that we should not sign this agreement because of the so-called loopholes that possibly could have created more problems as they related to the enforcement of the accords.

I think it's important that the Commission learn in some detail about your thoughts on this. I'd like your analysis specifically on those points. It would be helpful to the Commission. I think it would be helpful to the general public.

I'm not going to ask you to do it now. I've touched on that briefly. But I'd deeply appreciate receiving your analysis.

Ambassador NOVAK. Thank you, Mr. Chairman.

Chairman D'AMATO. Let me thank both of you again, Secretary Ridgway, not only for this morning's appearance and testimony, but for your other work with the Commission. We're most appreciative. Thank you, Ambassador Novak.

Ambassador NOVAK. Thank you.

Chairman D'AMATO. We'll call our next panel. Dr. William Korey. Mr. Mark Epstein. And Mr. Leonard Sussman.

Dr. Korey, good to see you again.

Mr. KOREY. Thank you. Good to be here.

Chairman D'AMATO. Doctor, we will ask you to summarize your testimony. Your testimony is never that lengthy. You usually get right to the point in any event.

Mr. KOREY. All right.

Chairman D'AMATO. We'd appreciate it.

STATEMENT OF DR. WILLIAM KOREY, PUBLIC MEMBER OF THE AMERICAN DELEGATION TO THE BERN EXPERTS MEETING ON HUMAN CONTACTS

Mr. KOREY. Let me express my appreciation to you, Mr. Chairman for this opportunity of being here and to comment mainly on my being a public member, a kind of special unique status, at the Bern Experts meeting.

I was there for a period of 3 weeks, running from May 1 to May 22. And only the birth of a grandson obliged me to return before the end of the session. It's my first grandson.

Chairman D'AMATO. Congratulations.

Mr. KOREY. Thank you very much.

I should like to express appreciation to Ambassador Novak and to the entire team at Bern, the American delegation team, including the staff of the Helsinki Commission, who were so valuable in providing me with every form of assistance.

Some observations may be pertinent that derive from my being a public member.

First, let me state that I view the Helsinki process as being extremely valuable for American foreign policy concerns.

The United States is in a position to communicate clearly and directly its profound interests in these concerns, particularly regarding Basket III on several levels. We are able to communicate these interests to the other members of the Helsinki process, including those in Eastern Europe, both on the floor and in private discussions, and were able to communicate our concerns through the media, that is to say through the Voice of America, Radio Free Europe, and Radio Liberty, directly to important segments of the publics in Eastern Europe.

If, on the one hand, we are thereby able to sensitize Eastern European governments to our concerns, on the other hand, we're able to maintain the morale or raise the morale of those elements of the publics in Eastern Europe who have a stake in seeing to it that their governments fulfill the obligations that they've signed.

I could add that these exchanges, the Helsinki process exchanges, perform a useful function for the neutral and nonaligned countries of Europe, who are given a stake in broad European matters and broad European concerns. And even the countries of Eastern Europe, especially some of the smaller ones, find the Helsinki process of value so that they can communicate and take account of Western concerns in the human rights field.

In general, I should like to emphasize that the Helsinki forum provides the most useful and valuable international forum for the advancement of human rights concerns. And I would say that this perspective finds agreement with that outlined by both Yelena Bonner and by Anatoly Shcharansky.

Compliance with the provisions of Basket III must be at the very heart of our objective. And the various Helsinki forums are a most effective means for realizing this objective.

Words are important. But far more important is the improvement in the situation of ordinary people. The degree to which progress occurred as a consequence of Bern or in connection with Bern cannot be fully ascertained as yet. But the resolution of some

64 divided family cases in the Soviet Union or involving the Soviet Union is encouraging, as is the progress in quite a number of cases involving Romania.

What is dismaying, however, is the almost total noncompliance of Basket III provisions on reunion of families by the Kremlin with respect to Soviet Jews seeking emigration to Israel.

I outlined much of this in the Wall Street Journal of today.

A Moscow expert on nationalities revealed, in April, that some 10 to 15 percent of the Soviet Jewish community, today, would leave the Soviet Union if given the opportunity. That means a total of 180,000 to 270,000 people.

That's a low estimate. We know, in the West, that there are approximately 400,000 Soviet Jews who have taken the first step in the emigration process by requesting and receiving an affidavit from a relative in Israel.

The refuseniks live a traumatic and veritable pariah existence. Yet the Soviet Jewish emigration figures to Israel thus far this year are lower than at any other time in the last two decades.

And, strikingly, at Bern, Soviet officials sought to remove this mass humanitarian category from the Helsinki agenda.

A third point that I should like to make focusses on the status of a public member of the delegation.

In my case, my expertise was used by the delegation on various levels. At staff meetings, my opinion was sought on several matters. Some draft speeches were given to me to read in order to obtain critical commentary and suggestions. My views were sought with respect to publicizing our position on certain subjects. Contacts with and sounding out of various delegations were encouraged.

I also felt free to voluntarily make suggestions or proposals when appropriate.

I found that delegations with whom I dealt or discussed matters were most cooperative.

Based upon my experience as an NGO at Madrid and my experience at Bern, I would conclude that the public member can make a positive contribution to the U.S. role in the Helsinki process, particularly in serving as a channel to the American public and, at times, serving as a channel from various interest groups in the American public to the U.S. delegation.

Institutionalization of the status of the public member might be appropriate to lend it standing and credibility.

Two final observations with regard to looking toward Vienna.

One. There was great disappointment at Bern that there was so little attention in the press in the United States to the deliberations at Bern, in contrast with the extent of discussion given Bern in the European press, particularly in the West European and in the Swiss press.

I would hope—I would like to hope that this Commission, as well as the State Department, can encourage media participation or media attention to what transpires at Vienna.

May I conclude by stressing that the Vienna review session offers a certain leverage that did not prevail at Bern, and which ought to be explored at this stage of the game, and should be utilized to the full.

Vienna will concern itself with all three baskets of the Helsinki Accord. And the West is therefore in a position to link Basket I and Basket II, that is, security and trade matters, with Basket III, human rights.

At Bern, with its almost exclusive focus upon human rights, it was difficult to make that kind of linkage.

Linkage stands at the very heart of the Helsinki Accord, with the three baskets perceived as being in careful balance with one another.

At Bern, may I add that Soviet delegates privately indicated their interests that from now the Helsinski process focus upon Basket II.

Appropriate strategy, it seems to me, would make clear that any advances in Basket II, which deals with trade, or, for that matter, in Basket I, requires positive steps in Basket III.

Thank you, Mr. Chairman.

[Prepared statement of Dr. William Korey follows:]

Statement of Dr. William Korey to U.S. Helsinki Commission Hearing, June 18, 1986

Mr. Chairman: I am pleased to testify here from the perspective of a "public member" of the American delegation to the Bern experts' meeting on "human contacts". I was there from May 1 through May 22. The birth of our first grandson obliged me to return home before the final days of the Bern session.

Permit me first to say that I was extended every form of cooperation by Ambassador Michael Novak and the entire delegation team, including the various members of the Helsinki Commission staff. I am most appreciative for the assistance rendered for it will be of considerable value in the preparation of a major study on the Helsinki process which I have undertaken.

Several observations, based upon my experiences, may be especially pertinent. First, such meetings as the Bern one are most useful with respect to American foreign policy concerns. The U.S. is in a position to communicate clearly and directly its profound interest in a variety of Basket III matters such as reunion of families, divided spouses, contacts between religious and ethnic communities in the West and their counterparts in the East, and generally meaningful improvement in travel and emigration procedures so as to facilitate the Helsinki objective of "freer movement of peoples."

The communication takes place on two major levels. It is addressed to governments through formal verbal exchanges in plenary and working group meetings (and privately in informal session). And it is addressed to vital segments of the citizenry of East Europe through Voice of America and Radio Free Europe/Radio Liberty. (This is accomplished by regular press briefings and by making available copies of U.S. delegation speeches and materials.)

If, on the one hand, the communication makes governments of East Europe sensitive to our human rights concerns, it also helps sustain the spirit and morale of those citizens of East Euorpe strongly committed to the Helsinki process and whose hope rests on the fulfillment by governments of obligations under the accord.

The exchanges serve a variety of other purposes. For the neutral and non-aligned, they offer a unique opportunity to participate in broad Europe-wide issues. For several smaller governments in East Europe, they provide a mechanism for expressing their own national interests and for pursuing a certain responsiveness to Western concerns.

In general, one can state that Helsinki meetings offer the most effective international forum for airing our human rights aims and aspirations. This view, incidentally, coincides with those held by Yelena Bonner and Anatoly Shcharansky. Compliance with the provisions of Basket III must be at the heart of our objective and the various Helsinki forums are an important means for its realization.

Of course, and this is my second point, the Helsinki decisionmaking process is characterized by consensus and in consequence, a critical ingredient of our diplomacy, must be consensus-building. While the consensus feature makes for difficulty in making meaningful progress with respect to the language of the Helsinki Accord, nonetheless the task cannot be shirked and, at times, patience is rewarded.

While words are important, far more significant is the actual improvement in the situation of ordinary people. The degree to which progress occurred as a consequence of Bern or in connection with Bern cannot fully be ascertained yet. But the resolution of some 64 divided family cases involving the Soviet Union is encouraging as is the progress in quite a number of emigration cases relating to Romania.

What is shocking and dismaying, however, is the almost total non-compliance of Basket III provisions on reunion of families by the Kremlin with respect to Soviet Jews seeking emigration to Israel. A Moscow expert on nationalities revealed that 10 to 15 percent of Soviet Jewry would emigrate—from 180,000 to 270,000. Our own data shows that over 370,000 have taken the first step in the emigration process. Besides, some 20,000 Jews have been refused exit visas. The refuseniks live a traumatic and veritable pariah existence. Yet the Soviet Jewish emigration figures to Israel thus far this year is the lowest in nearly two decades. And, strikingly, at Bern, Soviet officials sought to remove this mass humanitarian category from the Helsinki agenda.

A third point that I should like to make focusses on the status of the "public member". In my case, my expertise was used by the U.S. delegation on various levels. At staff meetings my opinion was sought on several matters. Some draft speeches were given to me to read in order to obtain critical commentary and suggestions. My views were sought with respect to publicizing our position on certain subjects. Contacts with and sounding out of various delegations were encouraged. I also felt free to voluntarily make suggestions or proposals, when appropriate.

I found that delegations with whom I dealt or discussed matters were most cooperative. This positive attitude may have resulted from their awareness of my expertise, and the fact that, as a recipient of a Ford Foundation Grant, I was preparing a scholarly study of aspects of the Helsinki process.

Based upon my experience as an NGO at Madrid and my experience here, I would conclude that the "public member" can make a positive contribution to the U.S. in the Helsinki process, particularly in serving as a channel to the American public and, at times, serving as a channel from various interest groups in the American public to the delegation. Institutionalization of the status of the "public member" might be appropriate to lend it standing and credibility.

My final point has to do with the next review conference scheduled to begin in Vienna on November 4 (with a preparatory meeting in September). Perhaps the most disappointing aspect of Bern was the virtual absence of press coverage in the U.S. In contrast to the extensive coverage of Bern in major press organs in Switzerland and West Germany, here it received almost no attention. Why the principal American organs and media failed to send reporters to Bern is puzzling. I would recommend that a determined effort be made to encourage the media to cover the Vienna sessions.

May I conclude by stressing that the Vienna review session offers a certain leverage which did not prevail at Bern and which should be utilized to the full. Since Vienna will concern itself with all three baskets of the Helsinki Accord, the West is in a position to link security and trade questions to progress in human rights. At Bern, with its almost exclusive focus on human contacts, the possibility of applying linkage to obtain more effective results was limited.

Linkage stands at the very core of the Helsinki Accord with the three baskets perceived as being in careful balance with one another. At Bern, Soviet delegates privately indicated their interest in focussing upon Basket II. Appropriate strategy, it seems to me, would make clear that any advances in Basket II (dealing with trade) or, for that matter, in Basket I, requires positive steps in Basket III.

Thank you.

Chairman D'AMATO. Thank you, Dr. Korey.

Mark Epstein, executive director of the Union of Councils for Soviet Jews.

Mark.

STATEMENT OF MARK EPSTEIN, EXECUTIVE DIRECTOR OF THE UNION OF COUNCILS FOR SOVIET JEWS

Mr. EPSTEIN. Thank you, Mr. Chairman, Mr. Cochairman, Congressman Porter, ladies and gentlemen.

I thank you for the opportunity to appear once again before the Commission.

Many of the points which I have outlined in my relatively brief written testimony have been touched upon earlier in the morning, either directly or in questioning, and, so, I'll try to summarize briefly in the interest of allowing more time for discussion as we proceed.

When I appeared before the Commission in February, I spoke to the question of the value of a Helsinki process and its frequent frustrations and difficulties for those of us who are interested in seeing regular progress.

Obviously, the discussion we've had this morning is a means of trying to find ways to improve performance in anticipation of Vienna.

It seems to me, from conversations that I had in Bern, where I was hospitably received by our delegation, that one issue was foremost in the minds of our allies and of the neutral countries, and it is the issue which you were discussing earlier this morning.

Without belaboring the point, let me simply associate myself with the view that close cooperation with our allies is of the utmost importance between now and the beginning of the conference in Vienna.

What was said to me directly by a number of delegations, and what I read in the European press in the 5 days that I remained in Europe was disheartening.

Some of our actions were misunderstood. But whether or not our view is correct, or that of our allies is correct, or the truth somewhere in the middle, and not being privy to the discussions—I am not in a position to judge that—the difference in perception, as we see them now and the gap which exists, is one we have to work together to bridge.

We face not a philosophical problem so much as a mechanical one, but one of great magnitude. That is the thrust of my written comments.

Secondarily, some parts of the proposed final document were considered too weak and others considered too strong. Having made that decision not to sign—and, once again, I was not privy to the internal discussions among the delegations or any discussion of quid pro quo for whatever gains might have been obtained—having achieved no consensus in Ottawa, where we had relatively little press coverage—and I would associate myself with my friend Bill Korey's comments in this respect—in Ottawa we had very little press, and in Budapest we had somewhat more; and the chairman or the cochairman may recall that I organized a meeting with members of their staffs and of the State Department and other concerned individuals, NGO's, to discuss that very issue of cooperation, and felt there had been some improvement before Budapest.

Bern is, indeed, a disappointment in that regard.

Let me emphasize my strong view that a concerted effort to publicize the importance of the Helsinki process between now and Vienna must be a high priority of our Government, of the Commission, and of private organizations. If there is no popular support for this work in the United States, no understanding for its implications, we will not be able to proceed as we have.

A third point, which seems to me central to the discussion, is one which I made before the Commission in February and would reiterate here. It concerns the debate over whether or not the United States should continue to be part of the Helsinki process.

My impression is that in recent weeks the debate is less vigorous than it was a few months ago. But I anticipate that it will reemerge as we approach Vienna. And it seems to me that despite the frustrations of Bern that there is no other course but to proceed and to proceed vigorously.

You were witness, as was I, to the testimony of Anatoly Shcharansky before this Commission a few months ago. I believe that he made one point very forcefully, that no matter what price is paid by individuals within the Soviet Union or elsewhere within the East bloc, they who commit themselves to fighting for the ideals they share with us look to us for leadership. Hence, it seems to me, those who hesitate regarding the process and those who feel that we are offering the East bloc and the Soviet Union legitimacy of which they are not deserving, must recall that there are people in those countries who call out to us and turn to us for help. Leaving them in isolation and not speaking on their behalf, it seems to me, would cause far greater harm than any other conceivable loss from the Helsinki process.

And, so, I would close my summary of this testimony by saying that the task before us seems to me little different than it was a few months ago, with the possible exception that we have within the Western democracies much work to do, which seemed not the case some months ago.

I thank the chairman for the opportunity to appear. I welcome your questions.

[Prepared statement of Mark Epstein follows:]

TESTIMONY OF
MARK A. EPSTEIN
EXECUTIVE DIRECTOR, UNION OF COUNCILS FOR SOVIET JEWS
BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE
HEARING ON THE BERN HUMAN CONTACTS EXPERTS MEETING

June 18, 1986
Washington, D.C.

Mr. Chairman, Mr. Co-chairman, honorable members of the Commission, ladies and gentlemen:

On behalf of the Union of Councils for Soviet Jews, I am grateful for the opportunity to appear once again before the Commission on Security and Cooperation in Europe. I wish this morning to present testimony addressing the current situation in the CSCE process, or Helsinki process, as it has come to be known.

When I appeared before the Commission in February of this year, I spoke particularly about the value of the Helsinki process, despite the frustrations and frequent disappointments which are part of the task of toil in these fields. I spoke particularly about the distinctiveness of the Helsinki Commission as a particularly American institution, providing a vehicle for private citizen organizations, the so-called NGO's, to have an official voice in the conduct of American policy in the field of human rights. I made specific reference to the leadership of the Commission in its first decade of existence and expressed appreciation to the Chairman and Co-chairman for carrying on the tradition which preceeded them here.

Today, after yet another follow-up meeting has finished, and we are all concerned with the Vienna follow-up conference which will begin in a few months, I would like to return to one of my previous themes and express my views regarding the current situation. In February, I emphasized the particular value of the CSCE process because it concentrates our energies and governmental discussions in the area where the two superpowers have their strongest allies and some of their most important political interests. In addition, I emphasized the great advantage which accrues to us because the majority of the CSCE countries are western democracies and many of them are among our closest allies.

For that reason I am particularly disturbed about some of the conversations which I myself had in Bern with delegates from western allies and neutral and non-aligned countries. Let me add that many of their concerns were reflected in the western

European press upon the close of the conference. While I understand full well that the allies and the neutral countries may have interests somewhat divergent from our own, nonetheless, the importance of our dialogue with them and the desirability of their close cooperation with us are obvious. To my mind we are presently confronting a problem which is mechanical, rather than philosophical. At the meetings in Ottawa and Budapest, the United States and the West generally, were agreed upon basic principles for a final document, and in the end these proved unacceptable to part or all of the East Bloc. Indeed, I myself expected a similar outcome at Bern, and was, therefore, somewhat surprised to hear that a document seemed possible. When, in fact, it proved impossible to agree to the proposed text, it was neither out of keeping with our recent experience nor a surprise. However, I gained the impression from conversations with delegates that they felt that communication with the United States had not been entirely clear. I was not privy to the internal discussions which took place, nor a member of our delegation, and so am not in a position to even speculate about the correctness of their views. However, the fact that they do feel this, that many newspapers in their countries are propounding this view, and that the United States is being criticized and appears isolated within the process, is cause for concern. I conclude from this that we have to pay particular attention to the question of our, essentially, strong and healthy relationships with the other western democracies who are members of the CSCE. In other words, we have before us a basic task requiring the efforts and diplomacy of the Administration, the assistance of the Helsinki Commission and its highly competent and experienced professional staff. It goes without saying that private organizations must support and participate in this process to the extent they are able.

One of the questions which arises in this discussion is whether or not our participation in meetings which produce no document or weak documents is denigrating to our values or legitimizes, unnecessarily and inappropriately, the behavior of certain member nations of the CSCE, particularly the Soviet Union and its allies. In reflecting on this question since my last appearance before you, I had opportunity not only to bear this question in mind while observing daily events in the Soviet Union, but also the chance to hear the views of a long-time Helsinki activist. As did you on the Commission, I listened attentively to the comments of Anatoly Scharansky with respect to the symbolic value of the Helsinki process and of activities and actions undertaken at Helsinki meetings. While we cannot expect Scharansky to express the needs of U. S. policy or to speak on our behalf, his perspective regarding the views of our strongest supporters within the USSR are of particular interest and value. Despite speculation to the contrary during the years of his incarceration, I believe he told us clearly and forcefully that the Helsinki process has immense value and must be utilized to the fullest. My impression is that some of the most outspoken criticism of our continued participation in the process has subsided in recent weeks, but I assume it will re-emerge before the upcoming meeting in Vienna. I remain convinced, and Scharansky's views reinforce the conviction I expressed on previous occasions before the Commission, and to which I referred earlier in my testimony, that it is of immense value that we continue and continue forcefully.

Certainly, the task is not easy, but I wish to return to another theme of my previous testimony as well. Lest anyone doubt the value of the process or the seriousness with which the Soviets respond to issues related to Basket III, let me tell you that Soviet officials concerned directly with human rights, and particularly with Soviet Jews, were present at the opening and closing of the Bern meeting. I am not referring to professional diplomats who are members of the delegations participating in the discussion, but to individuals whose primary task is in the realm of propaganda and anti-Jewish activity within the Soviet Union. So seriously do they take the process, and even the participation of private organizations in the informal discussions at these meetings, that they engaged a past president of the UCSJ, Ms. Lynn Singer, and myself, in conversation. No doubt these were not attempts to build friendly and cooperative relations, but are nonetheless instructive and of value. I do not believe that the Soviets would be active in this way were they not extremely concerned about the impression left at Bern and throughout the world by these meetings.

I refer to the Soviet concern with their image as a means of substantiating my view that western unity and success in the realm of public relations can be nearly as significant as some of the substantive work which is done, and eventually may have at least as great an impact on the fate of those citizens of CSCE countries whose rights are continually abused and trampled upon.

I thank the Commission for the opportunity to appear before them.

Chairman D'AMATO. Thank you, Mr. Epstein.

Leonard Sussman, the executive director of Freedom House.

Leonard.

STATEMENT OF LEONARD SUSSMAN, EXECUTIVE DIRECTOR OF FREEDOM HOUSE

Mr. SUSSMAN. Thank you very much, Mr. Chairman, Congressmen.

A word, briefly, about Freedom House, because I think it applies very much to this session.

We are interested in two aspects of human affairs. One is human rights, as such. And the other is the geopolitics of international affairs, the relationships between governments.

They're sometimes hard to mesh, these two areas of interest. But I think they come together in the CSCE and particularly in the conference at Bern that we're talking about.

But I want to say, at the outset, to express my great respect to Michael Novak, I've known for many years. In fact, just last month, published his latest book on human rights.

So that our being on somewhat opposite sides of these issues today reflects simply that difference of looking at what he referred to as the marginal interests.

And I am making these comments basically for the purpose of contributing, really, to the future participation, rather than simply as——

Chairman D'AMATO. Yes.

Mr. SUSSMAN [continuing]. As an examination of the past.

I think there's a considerable value to the Helsinki process—and I've written this extensively elsewhere and won't repeat it here. And I hope my full statement will be in the record so that I won't go over it here.

Chairman D'AMATO. So ordered.

[The written statement of Mr. Sussman follows:]

Testimony on the Bern Human-Contact Meeting
Leonard R. Sussman
Executive Director, Freedom House
Before Commission on Security and Cooperation in Europe
Wednesday, June 18, 1986

I am Leonard R. Sussman, executive director of Freedom House, the 45-year-old national organization which combines concerns for human rights---especially political rights and civil liberties---with the geopolitics of international relations. We monitor, year-round, the level of actual delivery of rights and liberties in every country.

I am not speaking on behalf of Freedom House. I was invited last Friday to testify, and there has not been time to raise this matter with our trustees.

Freedom House has closely observed the 10-year history of the Conference on Security and Cooperation in Europe, out of which has developed the Helsinki Process. We conducted a series of parallel programs in Madrid during the 1980 Helsinki review sessions, and later published a book of speeches by the American Ambassador. I had the honor of editing the volume.

And this month I have directed the publishing by Freedom House of the latest book on human rights by Michael Novak, head of the American delegation to the recent Bern Conference on Human Contacts, mandated by the Madrid meeting.

I did not attend the Berne conference, though I have read many of the speeches, examined the final drafts prepared for a concluding statement, and discussed with some who were present, the concluding position taken by the United States delegation. In addition to my great respect for Michael Novak, extending over many years, I understand the logistical and political difficulties he faced at Bern as time ran out, communication with Washington at early-morning hours during a holiday period was limited, and seemingly onerous choices had to be faced.

Nothing here should be regarded as criticism of Ambassador Novak, Assistant Secretaries Ridgway and Schifter, or the U.S. Commission which oversees the CSCE. Indeed, I have agreed to testify today with the understanding that my comments will be made only for the purpose of contributing to the more effective future participation of the United States in the Helsinki Process.

That presupposes an inherent value to the U.S. and other free countries in participating in these difficult negotiations with the oppressive bloc created by the Soviet Union. I have testified before Congressional committees, and published extensively in the press and specialized journals on the values of the Helsinki Process; values not only to the geopolitics of the democracies, but to some citizens of closed societies. Enlarging that value, after all, was the primary purpose of the Bern meeting. In brief, the Soviet Union and its satellites in 1975 accepted a unique form of commitment and review in the broad field of human rights. The Soviets did this for what they regarded as larger gains in other fields. Clearly, they miscalculated. The Helsinki Process, quite properly, has opened the door to repeated and often devastating public examinations and critical appraisals of the most basic oppressions inside the Soviet Empire. All the world, particularly the Third World, has watched and could not admire what has become of the utopian promises of Marx and Lenin.

There is, then, a considerable value in regarding the Helsinki Process as an arena of opportunity for the U.S. and other free countries. But that opportunity can be wasted if it is regarded as merely another chip in a larger game. While the Helsinki Process itself mandates linkage among all three baskets---security, economics and human rights---no one should be abandoned for the other. Indeed, that linkage is the crux of the strength of the American opportunity in this process. The decision to veto, except under conditions of extraordinary provocation,which were not present at Bern, undermines the opportunity to score some human rights gains, and, through them, a geopolitical advance as well. For us to veto against the judgment of all our friends and neutrals lets the Soviets completely off the hook. Indeed, we give them the clear advantage to portray the U.S. as the sole villain of the meeting. If I were in the Kremlin I would be delighted with such an outcome.

We lose twice over: on the substantive issues of improvements, albeit small, in human-contact regulations; and in the larger geopolitical arena. One should examine the final draft of the concluding document at Bern, and weigh it against the present norms. Were the proposed changes real improvements? I believe in numerous cases they were. Would signing the document guarantee improvements in actual performance by oppressive states? Of course not, but the proposed changes in the details of emigration and other contacts could produce incremental improvements. Even those can open new lives for individuals favorably affected. That, after all, is what the Bern meeting was all about: the improvement in actual human contacts. Yes, the record of Soviet compliance with past human rights and other agreements is poor. But that record provides the U.S. and others with the clear permit to examine and publicly place the USSR and its satellites in the dock. This we have done with some success for ten years and in the early stages of the Bern meeting. That, too, is an advantage of the Helsinki Process.

Specifically, the Soviets dramatically and unprecedently cast the lie at the American contention that we were vetoing the draft because we needed deeds rather than words before signing a new document. At that moment the Soviets had arranged to release 117 citizens for reunions with families in the United States---the largest such reunion on record. That was the moment we chose to kill a statement favoring incremental improvement in human contacts---hardly the appropriate carrot for the direct Soviet act of complying even minimally with earlier commitments. To a careful reader of the U.S. press the same day's stories made little sense. One large account reported the reunion of the families, and another story said we had scuttled the conference because the Soviets showed no sign of complying with family-reunion and other commitments. The press found disbelief and consternation among our allies.

What, then, were the elements in the neutral countries' draft that produced our veto?

On balance, as I read the Neutral-Nonaligned draft BME 49, it was an improvement over both the Helsinki Final Act (1975) and the Madrid Concluding Document (1983). Indeed, the definition of a process, the Helsinki or any other, is the continuing evolution toward higher standards of human affairs. By virtue of raising the standards, even those countries which comply the least must gauge their activities against an improved norm.

BME 49 raises the norm. It includes some ambiguities favoring the West, some favoring the East. That is understandable in a document that must generate a consensus of 35 disparate nations. If we do not want to play that game, we should not have signed on, and remained. The Madrid document resolved few, if any cases. At the recent Ottawa experts meeting on human rights Americans were incensed because the meeting did not even produce a concluding document. In Bern, we had the chance to produce a better concluding document and accept the conclusion of 117 family reunion cases---a mere token, to be sure, yet a significant break with the past---but we rejected the entire package.

What specifically, was in BME 49? It called for increased personal and institutional contacts in the field of religion. Attempts failed at Madrid to accept the introduction into countries of the means of practicing religion (religious objects and publications). BME 49, however, mentioned acquiring, receiving and carrying religious publications and implements within signatory countries. This document, moreover, did not have the qualifications appearing in earlier Helsinki statements on religious practice.

There were improvements in language expediting the handling of cases involving minor children, agreement to review long-undecided applications for exit visas, commitments to bilateral and other consular agreements, liberalization of travel for family emergencies and non-emergency family occasions, provisions to allow reunifying families decide where they shall live, lengthening the period when exit visas are valid, and several other significant improvements in exit and reentry travel.

Of considerable importance, the BME 49 introduced a commitment to the right of privacy in connection with the Universal Postal Convention. The Soviet Union has routinely interfered with the mails. This provision would have provided a major public deterrent.

There were other advances in language and commitment, and some changes ringed with ambiguous modifications. But nothing in the BME 49 draft was retrogressive, or a movement back from either Helsinki or Madrid.

What message did we send? We seemed to prefer closing down the Helsinki arena. Some Americans have advised exactly that. To withdraw from the Helsinki Process---and vetoing the BME 49 was a move in that direction---is to deprive ourselves of the only intergovernmental forum in which the Soviet bloc is regularly forced to defend its way of life, indeed its oppression. If any country should withdraw, it should be the Soviets in their self-interest. Instead, we were perceived handing them an ill-deserved victory in a field in which America should be preeminent: not only adherence to the best principles of human rights, but the construction of ever-higher international standards. At Bern we defeated that effort, and confused the carrot-and-stick process by which slow but evolutionary progress was being made.

What can we learn from Bern to apply to the Vienna and other reviews ahead?

Apparently, faulty and delayed communications between Bern and Washington confused and sadly influenced our decision. That should be avoided hereafter by clear advance agreement on policy parameters with the participation of Washington officials and the delegation, and including the U.S. Commission on Security and Cooperation in Europe. One wonders whether the Commission was able to play its proper role at the crucial point in Bern.

No less important, liaison with allies and neutrals should be reexamined. Our friends were clearly surprised, even chagrined, at the Bern veto. America's role, if leadership it is to be, should be clearly understood by everyone before and during conferences. Pre-conference consultation is important, but still more essential is adequate liaison throughout the life of the meeting. We should not seem to help the Soviets separate America from its friends.

Finally, and perhaps most important, is the need to reexamine our basic approach to the Helsinki Process. Revolutionary changes in practice in any of the 35 states as a consequence of this or any other negotiation is clearly impossible. The Helsinki Process is a natural progression. It is as evolutionary as a body of democratic law. One negotiation, as one case, builds on established principles and precedents. The general framework was set at Helsinki, painstakingly sustained at Belgrade, and elaborated at Madrid. One should not expect---indeed, it is undesirable---to have general principles renegotiated at each meeting. Reviews of compliance are not reopenings of general principles. And the proposed changes at Bern were incremental improvements in the general body of the Helsinki Final Act. Bern was negotiation from the general to the particular, further sustaining the general principles set at Helsinki. Bern was an extension of accepted principles, the application of general principles to the particular facts or situations not previously or inadequately elaborated. Vienna should move on from there in all three baskets under review. We should regard improvements in the particulars as desirable advances; and, despite the slow pace and frustrating deceptions by adversaries, regard evolutionary change neither with fear nor disdain.

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Freedom House, 48 East 21st Street, New York, N.Y. 10010, 212-473-9691

Mr. SUSSMAN. There's considerable value in regarding the Helsinki process as an arena of opportunity for the United States and other free countries.

The decision to veto, except under conditions of extraordinary provocation, which were not present at Bern, undermines the opportunity to score some human rights gains and, through them, a geopolitical advance as well.

For us to veto against the judgment of all our friends and neutrals lets the Soviets completely off the hook.

Indeed, we give them the clear advantage to portray the United States as the sole villain of the meeting. If I were in the Kremlin, I would be delighted with such an outcome.

We lose twice-over on the substantive issues of improvements, albeit small, in human contact regulations, and in the larger geopolitical arena.

One should examine the final draft of the concluding document at Bern and weigh it against the present norms. Were the proposed changes real improvement? I believe in numerous cases they were.

Would signing the document guarantee improvements in actual performance by oppressive States? Of course not.

But the proposed changes in the details of emigration and other contacts could produce incremental improvements. Even those can open new lives for individuals favorably affected.

Yes, the record of Soviet compliance with past human rights and other agreements is poor. But that record provides the United States and others with a clear permit to examine and publicly place the U.S.S.R. and its satellites in the dock. This we've done with some success for 10 years and in the early stages of the Bern meeting as well. And that, too, is an advantage of the Helsinki process.

Specifically, the Soviets dramatically and unprecedently cast the lie at the American contention that we were vetoing the draft because we needed deeds rather than words before signing a new document.

At that moment, the Soviets had arranged to release 117 citizens for reunions with families in the United States—the largest such reunion on record.

That was the moment we chose to kill a statement favoring incremental improvement in human contact—hardly the appropriate carrot for the direct Soviet act of complying even minimally with earlier commitments.

To a careful reader of the U.S. press, the same day's stories made little sense. One large account reported the reunion of the families. And another story said we had scuttled the conference because the Soviets showed no sign of complying with family reunion and other commitments.

The press found disbelief and consternation among our allies.

What, then, were the elements of the neutral countries' draft that produced our veto?

On balance, as I read the neutral-nonaligned draft of the BME 49, it was an improvement over both the Helsinki Final Act and the Madrid Concluding Document.

Indeed, the definition of a progressive process, the Helsinki process or any other, is the continuing evolution toward higher standards of human affairs. By virtue of raising the standards, even those countries which comply the least must gauge their activities against an improved norm.

BME 49 raises the norm. It includes some ambiguities favoring the West, some favoring the East. That's understandable in a document that must generate a consensus of 35 disparate nations.

If we do not want to play that game, we should not have signed on in 1975, and remained.

The Madrid Document resolved few, if any, cases. At the recent Ottawa Experts' Meeting on Human Rights, Americans were a lot more incensed because the meeting did not even produce a concluding document.

In Bern, we had the chance to produce a better concluding document and accept the conclusion of 117 family reunion cases, a significant break with the past, but we rejected the entire package.

Now, what specifically was in the document?

It called for increased personal and institutional contacts in the field of religion. Attempts failed at Madrid to accept the introduction into countries of the means of practicing religion, religious objects, and publications.

BME 49, however, mentioned acquiring, receiving, and carrying religious publications and implements within signatory countries.

This document, moreover did not have the qualifications appearing in earlier Helsinki statements on religious practice.

There were improvements in language expediting the handling of cases involving minor children, agreement to review long-undecided applications for exit visas, commitments to bilateral and other consular agreements, liberalization of travel for family emergencies and nonemergency family occasions, and a series of other things which I won't take the time here to enumerate.

Of considerable importance, the BME 49 introduced a commitment to the right of privacy in connection with the Universal Postal Convention.

Now, the Soviet Union has routinely interfered with mails. This provision would have provided a major public deterrent.

There were other advances in language and commitment and some changes ringed with ambiguous modifications, which Ambassador Novak explained today rather explicitly. But nothing, as I read, in that document was retrogressive or a movement back from either Helsinki or Madrid.

Now, what message did we send?

We seemed to prefer closing down the Helsinki arena. Some Americans have advised exactly that. To withdraw from the Helsinki process—and vetoing the BME 49 was a move in that direction—is to deprive ourselves of the only intergovernmental forum in which the Soviet bloc is regularly forced to defend its way of life, indeed its oppression.

If any country should withdraw, it should be the Soviets in their self-interest.

Instead, we were perceived handing them an ill-deserved victory in a field in which America should be pre-eminent.

Now, what can we learn from Bern to apply to Vienna?

Apparently, faulty and delayed communications between Bern and Washington confused and sadly influenced our decision. That should be avoided hereafter by clear advance agreement on policy objectives, with the participation of Washington officials and the delegation, and including the U.S. Commission on Security and Cooperation in Europe.

No less important, liaison with allies and neutrals should be reexamined. Our friends were clearly surprised, even chagrined, at the Bern veto.

America's role, if leadership it is to be, should be clearly understood by everyone before and during conferences.

Preconference consultation is important. But still more essential is adequate liaison throughout the life of the meeting.

We should not seem to help the Soviets separate America from its friends.

Finally, and perhaps most important, is the need to re-examine our basic approach to the Helsinki process.

Revolutionary changes in practice in any of the 35 states as a consequence of this or any other negotiation is clearly impossible. The Helsinki process is a natural progression. It is as evolutionary as a body of democratic law.

One negotiation, as one case, built on established principles and precedents.

The general framework was set at Helsinki, painstakingly sustained at Belgrade, and elaborated at Madrid. One should not expect—indeed, it is undesirable—to have general principles renegotiated at each meeting. Reviews of compliance are not reopenings of general principles. And the proposed changes at Bern were incremental improvements in the general body of the Helsinki Final Act.

Bern was negotiation from the general to the specific, further sustaining the general principles set at Helsinki. Bern was an extension of accepted principles, the application of general principles to the particular facts or situations not previously or inadequately elaborated.

Vienna should move on from there in all three baskets under review. We should regard improvements in the particulars as desirable advances, and, despite the slow pace and frustrating deceptions by adversaries, regard evolutionary change neither with fear nor disdain.

Thank you.

Chairman D'AMATO. Thank you once again, Leonard, for your cogent presentation.

I was not going to ask many questions due to the time element. I'm going to make three observations and then ask just one question.

It seems to me that all of you have made the point—Dr. Korey didn't, but I think he would probably agree—that it is of utmost importance that we have the kind of communication with our allies that will not lead them in one direction while we go in another or give them a false impression of how we are proceeding.

It's absolutely abundantly clear that there was a lack of that kind of communication. There was a gap, to put it mildly.

I, by the way, commend you for your candor, but also for the manner in which you presented your observations, all of you.

That's No. 1.

Second, linkage, as Dr. Korey has indicated, and as Anatoly Shcharansky so poignantly testified, is absolutely a condition that we must continue to work for, and strive for, and bring forward at every opportunity. Without that—and it's a question of human rights—we really literally abandon hope for people.

That's a condition that I think has never really fully been realized, recognized, or adhered to by this administration and previous administrations. That's my observation. I'm not speaking for the Commission.

Third of all—and all of you have made the point—let's make some progress and avoid the repetition of the past mistakes.

I think, again, that Bern was a learning process. I don't think this was fatal.

I think, however, that if we continue to operate in that manner, we will destroy the credibility of the Helsinki process entirely. I think that's absolutely important. That means that communication, and constant communication, as Leonard indicated, must go foward. We must not just come together for preconference planning and then say, well, we've gotten our plans together, let's go out and do it. We then have difficult situations developing during conferences without that constancy of clear communication between our delegations, Washington, and our allies. That mutual understanding is absolutely imperative.

One question—Dr. Korey, you heard Mr. Sussman's assessment. You don't have to answer this question. Do you agree? Do you share his view in terms of whether or not we should have gone ahead and supported that compromise agreement? What's your impression?

Mr. KOREY. Mr. Chairman, regrettably, as I indicated to you, I was called away from Bern on the Thursday before the weekend discussions that took place, so that I was at quite a distance, and had no way to have access to any of the information for a couple of weeks.

As you probably know, I am on a research grant by the Ford Foundation looking at American policy as it deals with the Helsinki process. And I'll be seeking out the assistance of yourself and of the entire Commission staff in the preparation of this 3-year study. And I hope, particularly, to look into this question.

It would be premature to make any judgment at this particular point. I haven't had——

Chairman D'AMATO. William Korey, you are a master.

Mr. KOREY. OK.

Chairman D'AMATO. I tell you that in the most complimentary sense.

I will not pursue the matter any further.

My Cochairman Steny Hoyer.

Cochairman HOYER. Thank you, Mr. Chairman.

It's 12 o'clock. And we're supposed to end at 12 o'clock, so I won't go into any additional questions.

Let me say, however, that I think the testimony of all three of you has been very useful. As I stated at the outset, I think that this has been a learning experience, at least for me, I presume for others. And I also think we can draw certain conclusions from it.

The signing of the document decision was made, and that decision is past, and we will now move on.

I think Leonard Sussman's testimony has been very useful in terms of an analysis as to the incremental progress that we can expect from a meeting which requires unanimity for any action to be taken or any new language to be taken.

As one of those who was there, I know it was a very difficult decision for the Ambassador and for the administration.

I think that decision was made, and we need not second-guess it at this point in time.

Having said that, I think it, nevertheless, useful to analyze on what basis we're going to make these decisions in the future.

I have been one who's come back from Bern, and although I had the opportunity of visiting Ambassador Schifter in Ottawa, it was early in the process, not late in the process, and it was much more superficial. I do not mean that in terms of any criticism of Ambassador Schifter, but superficial in terms of the fact that Senator D'Amato and I were there for a very brief period of time, got as much exposure as we could possibly get in that brief period of time, but did not really, from my perspective—and I was brand new—get an opportunity to see how this process really plays out.

As a result of having reviewed that process, I think it is critically important that as we move to Vienna, we know what we are going to test, what benchmark we're looking for, and what we want to accomplish.

I think we had some indication of that in Bern. But I think it's going to be critical that we have a view very specifically of what we want to accomplish in Vienna, and that having our objective in mind that we then do the political international work with our allies and the neutrals that is necessary to get them in concert with that perspective.

I think that's been done. I know that Ambassador Novak attempted to do that in Bern. I know, and I have stated on many occasions, one of the successes I think we had in Ottawa was the unanimity not only of the Western alliance, but the unanimity that was created between the Western alliance and the neutral and nonaligned.

Now, that clearly did not happen in Bern. There were reasons for that I suppose. Not I suppose, actually I know there were.

But I want to say that I think this testimony has been very, very helpful, as the Commission tries to come to grips with what kind of advice and counsel we ought to be giving with respect to our tactics and our objectives in Vienna.

So, I want to thank all three of you for the testimony you have given. It was very important, in my opinion, for the Commission to hear those views.

And I think the analysis, Mr. Sussman, that you made of the document itself is very useful.

Of course, it is a lot easier to analyze a document, I will tell you.

Having sat with Ambassador Novak there at 4 a.m., and then having gotten up, as he did, at 7:30 a.m.; obviously it's not nearly as easy to look at a document then, as it is some 2, 3, or 4 weeks later.

So, again, my own view is that it's useful to see what we've done. But it's only useful if we use it for better success in the future.

Thank you all very much for your testimony today.

Thank you, Mr. Chairman.

Chairman D'AMATO. We stand in recess.

[Whereupon, the hearing was adjourned at 12:04 a.m.]

APPENDIX

APPENDIX 1

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

STATEMENT OF SENATOR JOHN HEINZ

MARCH 18, 1986

It is a pleasure to welcome Ambassador Novak to testify before the Commission this morning on the upcoming Bern Experts Meeting on Human Contacts.

The Bern conference is coming at a crucial time in East-West relations. Situated between what I hope will be two summit meetings between President Reagan and Soviet General Secretary Gorbachev, this meeting may very well set the tone for the next summit meeting. In addition, speculation over the recent Soviet Party Congress and the direction which Gorbachev intends to lead the Soviet Union in, especially with regard to human rights, will be become evident.

Bern, therefore, may very well be a good barometer of what we can expect from the Soviets in the near future.

But similar comments were made after the Geneva summit. And indeed, a number of families were reunited and bi-national marriage questions resolved, but the number of these was distressingly few.

The question we must ask, in my view, is whether or not a major summit needs to be held each time we seek to resolve a handful of humanitarian concerns? Or will another couple of specific reunification issues be resolved, with little respect for the many others ignored in their desire to be with their loved ones, simply to provide an appearance of progress?

This question of goals and objectives is one which we must address before we go to Bern and later this year to Vienna.

It is impossible to place a value on human contacts between East and West, both for improving understanding among non-officials travelling abroad as well for the individuals now suffering a life of separation from loved ones. The greater objective we all hope for is a grass-roots development of understanding which, with patience, can filter throughout Soviet society.

Unfortunately, the Soviets only see the danger which a policy of liberalized contacts between the citizens of East and West would pose to them. As our distinguished guest here this morning once wrote, "The chief pillar of the power of the Soviet ruling class has been its mammoth, painstaking effort to control not only information, but much more than information: the emotive and symbolic context within which information is necessarily understood."

If there were considerable exchanges of non-official citizens of the East and West, the Soviet "truths" so conscientiously presented to the East bloc people would begin to unravel. Such a true understanding among peoples would not only improve the worlds prospects for peace, it would also signal the release of the minds of the Soviet and East bloc citizens from the tyranny of communism. Such challenges to their rule are obviously unnaceptable to them.

I look forward to hearing the testimony of Ambassador Novak and hope he will address this apparent paradox in our human contacts policy with the East.

APPENDIX 2

Malcolm Wallop

March 18, 1986

STATEMENT BY SENATOR MALCOLM WALLOP, HELSINKI COMMISSIONER, FOR THE MARCH 18, 1986 HELSINKI COMMISSION HEARING ON THE BERN HUMAN CONTACTS EXPERTS MEETING OF HELSINKI FINAL ACT SIGNATORY STATES

Senator D'Amato, Congressman Hoyer, Ambassador Novak, Ladies and Gentlemen:

I want to join my colleagues on the Helsinki Commission in welcoming Ambassador Michael Novak here this morning to testify on the plans and strategies he has for leading the United States delegation to the Human Contacts Experts Meeting in Bern, Switzerland this coming April and May. That meeting will be an important forum in the Helsinki east-west process in the field of such basic human rights as family reunification, binational marriage and personal travel in the countries which signed the Helsinki Final Act ten years ago.

Mr. Chairman, the timing of that international Helsinki follow-on meeting is a key factor in how it will be viewed and what uses we and the Soviets might make of it, particularly because it is scheduled to take place between East-West summits. We know that the cynical Soviet Union and the East-bloc states pay closer attention to human rights questions in and around summits. We also know that they are more inclined to mount propaganda offensives at such times. Therefore, ladies and gentlemen, this Bern meeting may have additional dimensions which will render it difficult to manage to the advantage of the United States and our western allies.

Mr. Chairman, the fact that the Bern meeting will be held in Switzerland concomitantly with the intensive East-West negotiations there on arms control will add yet another dimension. The meeting is very likely to attract more international attention among east-west watchers than might otherwise be the case. This can also add to the sharks in the water for the United States delegation and for our western friends at Bern. This means, Mr. Chairman, that the United States delegation must be especially well prepared for Bern. We should have a definite plan and clear-cut objectives for what we want to accomplish. We must have a clear strategy for how we are going to accomplish those objectives and clear options for what we will do if the Soviets and/or any of their clients try to make a propaganda sham our of this meeting.

Mr. Chairman, what I have in mind is that the United States delegation must be prepared to handle the worst kind of Soviet propaganda and deception and disinformation tactics at Bern. It is my hope that our delegation will be prepared to deal swiftly and effectively with that sort of campaign. Clearly we can take the offensive from the outset when questions such as rights of family visits between east and west, unjustified family reunification refusals, exit permit refusals, travel restrictions and intrusive and intimidating practices are discussed.

Mr. Chairman, the United States unquestionably holds both the moral and legal ground in these matters and we should trump the Soviet Union and its clients whenever possible when these matters are taken up in the Bern meetings. Our delegation should be well armed with statistics, individual cases and specific examples of Soviet and East-bloc violations of the Helsinki Accords in these areas. We must seize the opportunity at Bern to make these statistics known to the world once again.

Mr. Chairman, I understand that Ambassador Novak is new to the field of CSCE meetings. Our hearing here today can give him the opportunity to learn more about the shark-filled waters he will be piloting with our delegation to Bern. The hearing can also provide the political guidance and backing he will need to take strong and clear stands against Soviet and East-bloc human rights violations and their probable propaganda warfare against us at Bern.

Appendix 3

(As it appeared in the
Washington Times, March 21, 1986)

Vol. 3, No. 12
March 21, 1986
For immediate release

ILLUSIONS AND REALITIES
ON HUMAN CONTACTS: A TURNING POINT?

by Michael Novak

Beginning April 15, the nations of Europe (East and West) with Canada and the USA will send representatives to meet for six weeks in Bern, Switzerland, for the next round of the "Helsinki Process" discussions on Security and Cooperation in Europe. The subject in Bern will be "Human Contacts" -- family reunification and visitation, the right to travel freely, cultural and athletic and professional contacts, the rights of religious institutions and associations, and the like.

President Reagan has asked me to head the US delegation and, accordingly, I have travelled in recent weeks to visit European capitals, including Moscow, for advance consultations.

While in Moscow recently, I met with the "divided spouses" -- men and women unable for years to join their husbands and wives in the US. They are uncommonly beautiful and courageous persons.

They have taken much hope recently from the promise of President Reagan and Secretary General Mikhail Gorbachev that there will be a new "spirit of cooperation on humanitarian affairs." Just three weeks ago, at the 27th Congress of the Communist Party USSR, the Secretary General spoke anew of this "spirit of cooperation." The divided spouses -- and millions of others -- await eagerly the new actions that will give this spirit concrete reality.

Like Secretary General Gorbachev, my counterpart in the Soviet delegation Yuriy Kashlev, is in his early fifties. This new generation in its fifties will be responsible for "human contacts" from now through the end of this century, for the next fifteen years or so. In what ways will the flow of "human contacts" between East and West be better in the year 2000 than they are today? If this new generation begins in a new spirit, backed up by new deeds, much is possible.

About one in every ten Americans has roots in the nations of the Warsaw Pact. So when citizens of the US show concern for human contacts among the peoples within their lands of origin, this is not just a matter of politics. It is a family matter. For millions of Americans, the territories of the Soviet Union and other Central or Eastern European lands are their ancestral rodina, or homeland. When Secretary General Gorbachev visits the US in 1986, he will find here millions of his "countrymen."

Yet life is unfair to such Americans today. Unlike their fellow citizens with roots in Italy, or France, or Africa, or Asia, they alone cannot freely visit their families in their places of origin, or have these families freely come and visit them. This seems so unnecessary. Why among all the places on the globe is there an "iron curtain" only here? It does not have to be.

Often in the past, Soviet delegations have pointed out that there are "differences" between our systems. But why are there such differences? It is not enough to assert that differences exist. Reasons must also be given.

These reasons cannot be located merely in ideology. One can read the texts of Marx and Lenin in three or four different ways, and apply them to the field of "human contacts" in a way far different from the way the USSR does today. If a leader of the USSR wanted to decree different policies for human contacts than those now in force, he could find many texts in Marx to support such changes.

So the real reasons must lie elsewhere. Perhaps they lie in the Soviet perception of techniques they must use, as they see it, in order to govern. Whatever their reasons, it is important soon to make these understandable to the world at large.

Surely, the laws of every nations are different. But the rule of law requires that the law be clearly known to all, and that the reasons for it also be clearly known. For sound law is founded in human reason, and is properly changed as reason discovers better ways to meet reason's own purposes. Thus does law progress in history.

If we are to keep our eyes fixed on how the situation of human contacts can be better in this world fifteen years from now than today, we must try incessantly to bring it into the full light of clear and reasonable law.

All the participants at Bern will hope that the new "spirit of cooperation in humanitarian affairs," including human contacts, leads to new action on individual cases now causing personal anguish, and to new procedures for making the handling of general classes of such cases more lightsome, easy, regular, and routine.

Imagine the possibility that by the year 2000, the symbol of disrupted human contacts, the "Berlin Wall" that now extends like the Great Wall of China through the heart of Europe, were to come down. Imagine that human contacts were to flow more freely, as they do between all the other civilized parts of the globe. What a transformation of human contacts that would portend! That is an object worthy of the striving of the new generation of leaders now in their fifties.

The people of the United States are drawn from everywhere on this planet. A sizable minority of them -- more than 20 million strong -- have the closest possible ties with the USSR and the other nations of Eastern Europe. These are ties of roots and origins, of culture and of families. These are ties of history and affection. It is so sad to see them so needlessly disrupted, disjointed, and irregular, as they are at present.

The peoples of the US are also a biblical people. Every chapter in the Bible is about individual persons and their free acts of will. In one chapter King David is loyal to his Lord, in another unfaithful. So much hinges on individual will. That is why individuals are of such importance to the peoples of the Bible. It is not states alone that draw their love and attention, but the fate of every single individual person.

To their credit, the USSR and their allies are signatories to the Helsinki Accords and the agreements reached later in Madrid. These agreements brilliantly defend the rights of individuals. There is already, then, a great deal in the "common law" of European nations, duly ratified. The question, alas, is still open about how well these agreements are to be kept in fact. Here is where great changes may yet come. Must come.

Europe is a great single civilization, nourished by the spiritual roots of Judaism and Christianity, in both Eastern and Western branches. The security of Europe rests on the degree of cooperation among its peoples, and upon the freedom and ease of its human contacts among the families, individuals, and associations that make up these peoples.

Bern could be a turning point in global relations. Modest though its efforts be, it could be like that small portion of a panoramic battlefield, as described in Leo Tolstoy's War and Peace, on which the whole tide of battle turned.

When I pointed this out recently in Moscow, my Soviet counterpart replied that the very building we were meeting in was described by Tolstoy in that novel. "Perhaps I felt his spirit in the walls," I replied.

Bern is a good place to put the new "spirit of cooperation" into deeds.

NOTE TO EDITORS:

(In Michael Novak's absence during April and May, beginning with release date April 4, this column will be written by my friend and colleague, Pastor Richard John Neuhaus of New York city, author of one of the more highly acclaimed books of 1985 The Naked Public Square.)

APPENDIX 4

ALFONSE M. D'AMATO
CHAIRMAN

STENY H. HOYER
CO-CHAIRMAN

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE
CONGRESS OF THE UNITED STATES
WASHINGTON, DC 20515

MICHAEL R. HATHAWAY
STAFF DIRECTOR
SAMUEL G. WISE
DEPUTY STAFF DIRECTOR
MARY SUE HAFNER
GENERAL COUNSEL

237 HOUSE OFFICE BUILDING, ANNEX 2

(202) 225-1901

March 3, 1986

The Honorable Rozanne Ridgway
Assistant Secretary of State for
European and Canadian Affairs
Department of State
Washington, D.C. 20520

Dear Secretary Ridgway:

We write today to ask the Department of State to appoint public delegates to the United States Delegation to the Bern Human Contacts Experts' Meeting. We believe it is very important for the Department to return to its past practice of appointing public delegates to be members of our delegation to Helsinki process meetings. These delegates play a crucial role in our public diplomacy and public information efforts.

Last week, the Commission held two hearings on the CSCE process, featuring representatives of non-governmental organizations long active in the field. These witnesses argued repeatedly for the appointment of private sector delegates, or Public Members, to the Bern and Vienna Meetings of the CSCE. As you know, Public Members were included on U.S. delegations to the follow-up meetings in Belgrade and Madrid. In addition, the heads of both delegations also were prominent and influential public figures.

At Madrid in particular, the public delegates played a crucial role in our public diplomacy and public information efforts. The presence on the U.S. delegation of a bipartisan group of men and women from a wide variety of civic, labor, religious and ethnic constituencies and organizations throughout the nation served to demonstrate to the other signatory countries the breadth of U.S. commitment to CSCE. The Public Members provided the professional staff with valuable knowledge, expertise and advice and assisted the U.S. Delegation's public relations effort by attending receptions, press conferences and other functions hosted by the numerous non-governmental organizations and interest groups represented in Madrid. Perhaps most importantly, when the Public Members returned to the U.S. after the first six weeks of the Madrid Meeting, most became very active in educating their constituencies and others about the utility of the CSCE process and the good work of the U.S. delegation. They remain ardent and vocal supporters of the Helsinki process to this day.

The Commission had recommended that Public Members be appointed to the U.S. delegation to Ottawa and, together with non-governmental groups which had long taken part in the CSCE process, found it regrettable that this recommendation was not adopted, particularly since Ottawa was designated an "experts" meeting and there was no dearth of highly qualified private sector experts willing to participate. In Budapest, the presence of cultural figures from the private sector lent stature to the U.S. Delegation and increased the effectiveness of our official efforts at the meeting.

The Commission has twice voiced its strong support for the appointment of Public Members to Bern, once in the form of a question put to Ambassador Stoessel in connection with our December 11 hearing on the Budapest meeting and also as a matter specifically raised by Commission representatives at CSCE Working Groups.

To enhance public awareness of and support for Bern and Vienna, and in order to underscore the great importance the United States attaches to the role of non-governmental actors in the Helsinki process, the Commission therefore repeats its recommendation that Public Members be appointed to the U.S. delegations to both upcoming meetings. Few other actions could have as much positive impact upon the public credibility of U.S. efforts in the Helsinki process.

The issue of Public Members will be a topic on our agenda at the Commission's upcoming hearing on Bern now scheduled for March 13, at which we hope that you and Ambassador Novak will appear as principal witnesses. We look forward to hearing from you soon on this matter and to working closely together with you in the months ahead in our common effort to sustain a credible and effective Helsinki process.

Sincerely,

STENY H. HOYER
Co-Chairman

ALFONSE M. D'AMATO
Chairman

March 14, 1986

United States Department of State

Assistant Secretary of State
for European and Canadian Affairs
Washington, D.C. 20520

Dear Mr. Chairman:

I am responding to the March 3 letter from you and Congressman Hoyer regarding appointment of public members to the U.S. Delegation to the CSCE Bern Human Contacts Experts' Meeting (HCEM).

The State Department attaches the highest importance to public and Congressional involvement in the CSCE process. We share your perception that public awareness of, participation in, and satisfaction with the Helsinki process is a key to the credibility of that process. We also recognize the value of tapping the expertise of NGO leaders and reflecting their views in the positions we take at CSCE meetings.

It is for these reasons that we selected the distinguished scholar and public activist Michael Novak as head of the U.S. Delegation to the Bern HCEM and, in close coordination with the Commission Staff, we have undertaken an extensive program of consultations with NGOs. For the same reasons, we value the presence on the delegation of CSCE Commission staff members.

Inclusion of public members on delegations to CSCE experts' meetings has not been U.S. Government practice. These meetings were mandated at Madrid to allow government experts from the participating states to address CSCE-related issues in their areas of expertise and responsibility. Although a large number of private Americans were included in the Budapest Cultural Forum, Budapest was not an experts' meeting like Ottawa and Bern. It was explicitly structured as a place for Western and Eastern practitioners from the field of arts and letters to interact.

This time of budget stringency also is not the moment to alter this precedent. However, in view of the special focus of the Bern meeting, I have decided it would be useful to appoint one advisor to the delegation from among the leadership of the NGOs particularly active in the human contacts area. My staff will consult soon with Commission staff to identify an appropriate individual.

The Honorable
    Alfonse D'Amato, Chairman,
        Commission on Security and Cooperation in Europe,
            United States Senate.

In closing, I want to reiterate our commitment to working closely with you, the Commission and the public to ensure continued active and useful U.S. participation in the CSCE process.

Sincerely,

Rozanne L. Ridgway

APPENDIX 5

Malcolm Wallop
June 18, 1986

STATEMENT BY SENATOR MALCOLM WALLOP, HELSINKI COMMISSIONER, FOR THE HELSINKI COMMISSION HEARING ON THE BERN CSCE MEETING ON EAST-WEST HUMAN CONTACTS, 10:00 A.M., JUNE 18, 1986, 562 DIRKSEN.

Mr. Chairman, Ambassador Novak, Secretary Ridgway, Ladies and Gentlemen:

I heartily welcome our distinguished witnesses here today and want to congratulate Ambassador Novak and the United States delegation to the Bern Human Contacts Experts Meeting of CSCE for a job well done. I wrote Secretary Shultz to express my praise for the exceptionally fine job Ambassador Novak and our delegation did representing United States interests in a forceful and articulate way. I applaud their refusal to be pressured into signing a weak and meaningless final document with the Soviet Union and their client states at the Bern Conference.

We were pleased that the United States was not swayed by the pressures of the eleventh hour by the Soviet announcement that some of the divided family cases would be solved. The Soviets must know that they cannot buy our vote by such acts, when the very existence of any divided family cases is in gross violation of the Helsinki Final Act and of principles of human rights.

We must never reward the Soviets for their token acts by signing final documents such at the one circulated at Bern. I am proud of our delegation for holding the line despite the diplomatic pressures put into play by some of our allies.

Ambassador Novak's speeches at Bern on family reunification and on an open Soviet Union were excellent. They put the Soviets on notice that our principle cannot be for sale.

Secretary Ridgway, you can be proud of the fine job done by our delegation. As you prepare for the upcoming Vienna CSCE Review Conference, I want you to know that this Senator will support any moves you can make to keep legitimate pressures on the Soviets and the East-bloc states and to resist their efforts to get the United States to sign some weak, diluted or meaningless final document.

Mr. Chairman, all of this does not change the fact that Moscow continues its cynical Helsinki charade. It has systematically violated the Helsinki Accords since 1975 yet pretends to comply with them. Our Ambassador stunned the Bern meeting by blocking the compromise statement which glossed over the absence of human rights in the Soviet Union. Why? Because the Soviet Union has systematically glossed over the promises made at Helsinki. The Soviets essentially legitimized their control of Eastern europe in the Helsinki Accords in exchange for promises on human rights.

But now Soviet repression of human rights is worse than ever and those who believed in the promises, such as Dr. Sakharov, Yelena Bonner, Yuri Orlov, and thousand of others are in prison, exile, labor camps and psychiatric hospitals.

I applaud the work of the U.S. delegation at Bern to reveal the Soviet Helsinki charade. We were right to insist on provisions that could have eased the emigration of Soviet Jews, right to challenge the Soviets to permit families to travel abroad and right to insist on abolition of the age requirement for family visits between West and East Germany. Not surprisingly, the Soviets rejected each one of our demands. But now they know that there is a limit to how much of their Helsinki charade we will accept. Our refusal to sign the meaningless final document put them on notice that we will not be players in their immoral international games on human rights aspects of the Helsinki Final Act.

Mr. Chairman, I ask unanimous consent that my statement be included in today's hearing record.

APPENDIX 6

American Enterprise Institute for Public Policy Research (202) 862-5800
1150 Seventeenth Street, N.W., Washington, D.C. 20036

August 5, 1986

The Honorable Alfonse M. D'Amato
Commission on Security and Cooperation in Europe
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

At our hearing in June, you asked me to prepare an analysis of the compromise document at Bern. It took me a little time to receive a full set of comments from the State Department, but they have now arrived.

In order to make the analysis as meaningful as possible, I have had my own staff prepare a side-by-side presentation of the relevant documents, and have placed the analysis of the Bern compromise in the last column to the right.

I hope these will be of use to you.

In addition, I have added some general comments of my own by way of introduction. My understanding is that you will want to publish these new materials in the record of the hearing.

Once again, I am grateful to you for the opportunity to work so closely with the Helsinki Commission and for your many courtesies.

With warmest wishes,

Michael Novak

MN:gy

AN ANALYSIS OF THE BERN DOCUMENT

In accord with the request of Senator Alfonse D'Amato at the June hearing of the Helsinki Commission, I have with the help of the State Department prepared an analysis of the Bern Compromise document. The analytic comments are listed in the tables below, in the last column to the right.

But a few general comments are in order. As one contemplates new additions to the language of Helsinki and Madrid, five types of pitfall are worrisome.

(1) In trying to reach more specific language, there is a danger that the full power of the general prescriptions of Helsinki and Madrid will be weakened. In such agreements, the general language is intended to cover all the specifics that come under it. To focus on only one or another of these specifics may be construed by some parties as a diminishment of responsibilities concerning the other specifics.

(2) Although it was necessary to allow for some escape clauses and qualifications in the Helsinki and Madrid provisions, it is now necessary to be especially alert to the *multiplication* of *new* escape clauses and qualifications. Cynical governments have abused these in the past and may be expected to do so in the future.

(3) It is particularly necessary to be on the alert for loopholes that may have more than one meaning. However well intended in one of those meanings (perhaps the ones most in the minds of most of the participants), loosely formulated loopholes may swiftly become steps backward, once they are put to frequent administrative use.

(4) One can gain an illusion of progress from "strengthening" existing language merely by rephrasing or embroidering it. This is particularly true when compliance with the existing language is already inadequate. Rephrasing the language does not typically strengthen compliance.

(5) The original Western proposals at Bern were well thought-out and carefully crafted, in order to gain realistic acceptance. They typically begin from the matter-of-fact recognition of existing non-compliance. When these proposals were watered down in the negotiating process, however, even their "additions to existing language" often become pale shadows of the original, robust, and meaningful formulations the West put forward. It is sometimes highly questionable whether even the new "additions to the existing language" that remain still reflect any real substance. This is especially true since most of them deal with areas in which there has been significant non-compliance.

Finally, it must be remembered that the real goal of the follow-up meetings is to maintain pressure for actual compliance. The probability that *new* words will be complied with is measured by how the *old* words have been complied with. Therefore, one must steel oneself against the illusion that mere progress in words is the same as progress in reality. New statements of principle into new areas *may* succeed in bringing new areas under review in the future. And that would be a gain. But "additions to existing language" are not often of that sort. One must view such additions with skepticism when existing language is not being complied with.

The chart that follows is self-explanatory. So far as possible, it tries to compare side-by-side (1) the original language of Helsinki and Madrid; (2) the original Western proposals in all their strength; (3) the compromise proposals set before us in the last hours at Bern; and (4) analytic comments on the compromise proposals.

COMPARISON OF HELSINKI/MADRID LANGUAGE

WITH BERN'S FINAL COMPROMISE PROPOSALS

AND ANALYTICAL COMMENTS

Helsinki / Madrid	Western Proposals (as tabled)*	Final Compromise Proposals	Analytical Comments
[H] In order to promote further development of contacts on the basis of family ties the participating states will favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families. [M] The participating states will favorably deal with applications relating to contacts and regular meetings on the basis of family ties, reunification of families and marriages between citizens of different states and will decide upon them in the same spirit.	1. Timely attention should also be given to travel for visits in cases of important family matters such as births, marriages, religious or civil ceremonies and other important family occasions; travel for important public and religious holidays; travel to visit the grave of a family member.	1. When dealing with applications for family visits to take due account of important family events and their significance for the applicant;	Existing language covers all family visits. Specific mention of "important family events" could imply that the general commitment is not absolute. "Take due account" is weaker than the general commitment in Helsinki and Madrid to "favorably consider" and "favorably deal" with family visit applications.
[H] [As above] [M] [As above]	6. In fulfillment of their commitments to facilitate freer movements and contacts, remove, inter alia, obstacles to the ability of members of a family, who so desire, to travel together for the purpose of contacts and regular meetings on the basis of family ties.	2. To deal favorably with applications from members of a family to travel together for the purpose of contacts and regular meetings on the basis of family ties, when personal and professional circumstances permit;	Ability of a family to travel together implicit in existing language. Making this explicit would have been a small addition, but "when personal or professional circumstances permit" is a critical new loophole that cynical governments would undoubtedly use to justify refusals.

*At the appropriate places, I have also supplied relevant portions of the (very long) Swiss-Austrian proposal on family visits (BME 36, as tabled), where portions of it figured in the final compromise.

NOTE: The compromise proposal entirely omitted Western proposals on national minorities (joined by the Yugoslavs), on the circumstances of exits, on dual nationals, on trade unions, and on the right of nationals to passports. These original full texts follow:

8. Mindful of the legitimate desire of persons belonging to national minorities and regional cultures on their territories to have contacts with persons in other states with whom they have close affinities, refrain from placing obstacles in the way of members of such minorities and regional cultures seeking to maintain contacts of this kind, including contacts through travel and communications.

9. In dealing favourably with an application for travel for the purposes of family contact or family reunification with an individual family member who has permanently left his country of origin, ensure that the application will not be prejudiced by the circumstances in which this family member left his country of origin.

11. In implementing their commitments, as expressed in the Final Act and the Madrid Concluding Document, to facilitate freer movement and contacts among persons, give special attention to and deal favourably with applications from their citizens or nationals who are also recognized as citizens or nationals by another state to visit that state or to settle there.

12. In implementing their commitment under the Final Act and the Madrid Concluding Documents further to develop contacts among non-governmental organizations and associations, and to encourage, as appropriate, direct contacts and communications between trade unions and their representatives, remove existing impediments which prevent freely established trade unions, their members and their representatives from maintaining contact, communications and organizational ties with similar organizations in other participating states without need of official sponsorship or approval.

16. Recognize the right of their nationals to be issued with a passport, or with any other document allowing travel abroad, without delay and without any other conditions than those specifically laid down by the law in conformity with international commitments. Reasons should be given for any refusal to issue a passport or travel document and means of appeal should be available.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination: existing requirements for travel documents and visas will be applied in this spirit.	[From the Swiss-Austrian Proposal (BME 36), Part I] The participating states agree to recommend to their governments: to extend the range of persons entitled to family visits, including visits to and from more distant relatives; to deal favorably also with applications by members of the active working population without distinction as to the age of the applicant as well as applications by more than one family member for joint family visits; to increase the number and frequency of family visits; to expand the range of recognized purposes for family visits, taking due account of important family events and religous occasions such as births, marriages, educational or academic events, religious and civil holidays and celebrations, anniversaries and others;	3. To deal favorably with applications for family contacts without distinction as to the age of the applicant, when personal and professional circumstances permit;	Similar to 2; "without distinction as to the age of the applicant" would have made explicit the fact that existing documents make no such distinctions, but the same crippling loophole would have given states a new excuse for refusals.
[H] The participating states will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family.... They will deal with applications in this field as expeditiously as possible. [H] Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination: existing requirements for travel documents and visas will be applied in this spirit. [M] The participating states will favorably deal with applications relating to...reunification of families....	7. Give primary importance to the wishes of the parties desiring to be reunited, in particular their wishes in regard to the country of settlement, in facilitating the exit of persons for the purpose of family reunification.	4. To facilitate travel for the purpose of family reunification, consider in a humanitarian spirit and give importance to consideration of the wishes of the parties desiring to be reunited;	"Give importance to consideration" is a weak formulation. The East made clear that "consider in a humanitarian spirit" in this context would permit the invocation of ties to remote family members, and possibly to society at large, to deny reunification in the family's preferred destination.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] The participating states will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family.... They will deal with applications in this field as expeditiously as possible.	3. In implementing their commitments with regard to family reunification, give special attention to requests for exit documents and facilities submitted in order to reunited minor children with their parents.	5. To give special attention on humanitarian grounds to cases of reunification of families where minor children are involved;	Implicit in existing language. "On humanitarian grounds" contains same risk of abuse as in 4. Singling out a new category of minor children for "special attention" could imply lessening of attention to cases, no matter how urgent, if they do not involve such children.
[H] Applications for the purpose of family reunification which are not granted may be renewed at the appropriate level and will be reconsidered at reasonably short intervals by the authorities of the country of residence or destination, whichever is concerned; under such circumstances fees will be charged only when applications are granted. [M] The participating states will provide the necessary information on the procedures to be followed by the applicants in these cases and on the regulations to be observed, as well as, upon the applicant's request, provide the relevant forms.	[Swiss-Austrian Proposal, Part II] The participating states agree to recommend to their governments...to simplify and reduce the number of administrative requirements for family visits such as special authorizations, permits, or attestations; to simplify and accelerate procedures for applying for, processing of and deciding on family visits; not to limit unduly the validity of visas for family visits; in cases of renewed application to take into consideration documents already supplied by the applicant in connection with a previous application; to reduce the minimum exchange requirements for family visits;	6. To provide that any document necessary for an application procedure be easily accessible to the applicant, also in cases of renewed application, and to prolong the validity of such documents so that they remain valid throughout the application procedure, unless a change of essential significance for the consideration of the application occurs in the circumstances of the applicant;	Accessibility of documents and prolongation of their validity add to existing language. "Unless a change of essential significance for the consideration of the application occurs in the circumstances of the applicant" is a new loophole that leaves the state considerable arbitrary discretion.
[H] The preparation and issue of such documents and visas will be effected within reasonable time limits.... [H] The participating states intend...gradually to simplify and to administer flexibly the procedures for exit and entry....	[As above]	7. To simplify practices and gradually reduce administrative requirements for family visits and to accelerate procedures for applying for, processing of and deciding on family visits;	Vague commitment to simplify practices and gradually reduce administrative requirements is new but not likely to have practical significance; commitment "to accelerate procedures" is reformulation of existing commitment to deal with applications "expeditiously" and "within gradually decreasing time limits."

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] The preparation and issue of such documents and visas will be effected within reasonable time limits.... [M] [The participating states] will decide upon these applications in emergency cases for family meetings as expeditiously as possible, for family reunification and for marriage between citizens of different states in normal practice within six months and for other family meetings within gradually decreasing time limits.	[Swiss-Austrian Proposal, Parts I and II] The participating states agree to recommend to their governments: to extend the range of persons entitled to family visits, including visits to and from more distant relatives; to increase the number and frequency of family visits; to expand the range of recognized purposes for family visits, taking due account of important family events and religious occasions such as births, marriages, educational or academic events, religious and civil holidays and celebrations, anniversaries and others; not to limit unduly the validity of visas for family visits;	8. To do their utmost to deal with applications for family visits favorably and in time, taking into account the purpose of the visit, and not to limit unduly the validity of the visas involved;	To deal with applications "in time" would have been a marginal addition to existing language. But the ambiguous qualifier, "taking into account the purpose of the visit," would provide a pretext for denials. "To do their utmost" and "unduly" are weak.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] Applications for the purpose of family reunification which are not granted may be renewed at the appropriate level and will be reconsidered at reasonably short intervals by the authorities of the country of residence or destination, whichever is concerned; under such circumstances fees will be charged only when applications are granted. [M] In case of refusal applicants will also be informed of their right to renew applications after reasonably short intervals.	2. In order to simplify the application procedures for family reunification, prolong the validity of the application forms and other related documents so that these documents remain valid throughout the application procedure; provide that any document necessary for an application procedure be easily accessible to the applicant, also in case of renewed application.	9. In cases of renewed application for family contacts to take into consideration documents already supplied by the applicant in connection with a previous application, unless a change of essential significance for the consideration of the application occurs in the circumstances of the applicant;	Consideration of documents supplied with a previous application adds to existing language but is qualified by same damaging loophole as in 6.
[H] The participating states will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character -- such as requests submitted by persons who are ill or old.... [M] [The participating states] will decide upon these applications in emergency cases for family meetings as expeditiously as possible,	1. [The participating states,] in implementing their commitment to deal favorably with and to decide upon, as expeditiously as possible, applications for travel relating to family matters, [will] pay immediate attention to those of an urgent humanitarian character, including inter alia travel to visit a seriously ill or dying family member; travel of the aged and those with urgent medical needs; on the basis of a medical certificate which should not be delayed, by a medical authority in the country of residence; travel to attend the funeral or visit the grave of a family member.	10. In implementing the provisions of the Madrid Concluding Document to deal favorably with and to decide upon, as expeditiously as possible, applications for travel relating to family matters, pay immediate attention to those of an urgent humanitarian character, including inter alia travel to a seriously ill or dying family member, travel of the aged and those with urgent medical needs on the basis of a medical certificate which should not be delayed, by a medical authority in the country of residence, trael to attend the funeral of a family member;	Largely a restatement of existing language, adds travel of the aged and those with urgent medical needs to previous examples of persons entitled to expedited treatment.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] [In addition to the above:] [The participating states] will lower where necessary the fees charged in connection with these applications to ensure that they are at a moderate level.... Fees will be charged only when applications are granted. [M] [The participating states] will decide upon these applications in emergency cases for family meetings as expeditiously as possible. [M] [The participating states] will, where necessary gradually reduce fees charged in connection with these applications, including those for visas and passports, in order to bring them to a moderate level in relation to the average monthly income in the respective participating state.	[Swiss-Austrian Proposal, Part III] The participating states agree to recommend to their governments... in emergency cases to intensify efforts by their respective local, regional and central authorities in order to decide upon applications for urgent family visits as expeditiously as possible and within, at most, three days; to use to the fullest possible extent modern means of communication so as to ensure the most rapid and effective cooperation both at a national and an international level; to ensure that fees charged for priority treatment in emergency cases do not unduly exceed standard fees;	11. In emergency cases to intensify efforts by all the authorities concerned in order to decide upon applications in such cases as expeditiously as possible, using to the fullest possible extent existing modern means of communication so as to ensure the most rapid and effective cooperation among them, ensuring that the charges for priority treatment in emergency cases do not unduly exceed standard charges;	Restatement of existing language, without precise detail of the original Swiss-Austrian proposal.
[H] The receiving participating state will take appropriate care with regard to employment for persons from other participating states who take up permanent residence in that state in connexion with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education, medical assistance and social security.	[Eastern proposal]	12. To ensure, where necessary through bilateral arrangements, that persons who have settled permanently on their territory for the purposes of family reunification or marriages between citizens of different states, enjoy economic and social opportunities equal to those enjoyed by their own citizens, in conformity with the laws and regulations of the participating states in question;	Restatement of Helsinki, with qualified reference to "bilateral arrangements."

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] [The participating states] confirm that religious faiths, institutions and organizations, practising within the constitutional framework of the participating states, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information. [M] The participating states reaffirm their commitment fully to implement the provisions regarding diplomatic and other official missions and consular posts of other participating States contained in relevant multilateral or bilateral conventions, and to facilitate the normal functioning of these missions. Access by visitors to these missions will be assured with due regard to the necessary requirements of security of these missions.	[Eastern proposal]	13. To consider favorably in accordance with the laws and regulations of the country of residence applications by migrant workers legally resident on their territory for contacts and regular meetings on the basis of family ties, reunification of families and marriages between citizens of different states and to reaffirm the right of such workers to free access to diplomatic and other official missions and consular posts, as well as their right to maintain contacts with their country of origin;	Yugoslav proposal. Implicit in existing language.
[M] [The participating states] confirm that the presentation or renewal of applications in these cases will not modify the rights and obligations of the applicants or of members of their families concerning inter alia employment, housing, residence status, family support, access to social, economic or educational benefits, as well as any other rights and obligations flowing from the laws and regulations of the respective participating state. [H] [The participating states] confirm that the presentation of an application concerning family reunification will not modify the rights and obligations of the applicant or of members of his family.	[Swiss-Austrian Proposal, Part IV] The participating states agree to recommend to their governments... to make renewed efforts to give full effect to the provision of the Madrid Concluding Document, that the presentation or renewal of applications in these cases will not modify the rights and obligations of the applicants or members of their families concerning inter alia employment, housing, residence status, family support, access to social, economic or educational benefits, as well as any other rights and obligations flowing from the laws and regulations of the respective participating state.	14. To give full effect to the provision of the Madrid Concluding Document, that the presentation or renewal of applications for family meetings, family reunification and marriage between citizens of different states will not modify the rights and obligations of the applicants or of members of their families concerning inter alia employment, housing, residence status, family support, access to social, economic and educational benefits, as well as any other rights and obligations flowing from the laws and regulations of the participating states in question.	Restatement of existing language.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] [The participating states] confirm the right of the individual to know and act upon his rights and duties in this field. [M] The participating states will provide the necessary information on the procedures to be followed by the applicants in these cases and on the regulations to be observed, as well as, upon the applicant's request, provide the relevant forms.	13. In order to ensure that the inhabitants of their countries are made widely aware of the fundamentals of their national legislation concerning travel abroad, publish within one year all laws, regulations and procedures -- including criteria for refusal -- governing decisions to permit their citizens to leave their country, on a permanent or temporary basis; and take steps to help make the laws that are in force accessible to all strata of the population of the country.	15. In order to ensure that the inhabitants of their countries are made widely aware of the fundamentals of their national legislation concerning travel between states to publish and make easily accessible, where this has not already been done, all laws and administrative regulations relating to travel for family, personal or professional reasons, on a permanent or temporary basis;	The compromise text is derived from the Western proposal. While the commitment "to publish" was retained, the time limit was omitted and specific reasons for travel were added. An initially constructive proposal thus became little more than a restatement of Madrid language.
[H] The participating states...intend...gradually to simplify and to administer flexibly the procedures for exit and entry; to ease regulations concerning movement of citizens from the other participating states in their territory, with due regard to security requirements.	17. Abolish, for their nationals, the requirement to obtain an exit visa in order to leave their country; issue exit visas to foreigners residing on their territory as expeditiously as possible and without any conditions other than those that may arise as a result of legal proceedings still in process.	16. To issue exit visas, where required, for foreigners residing on their territory as expeditiously as possible, subject to the conditions specified in national legislation;	This compromise text is also derived from a Western proposal, which was a commitment by the participating states "to abolish, for their nationals, the requirement to obtain an exit visa in order to leave their country; and issue exit visas to foreigners residing on their territory as expeditiously as possible." The compromise text retained only the expeditious issuance of exit visas to foreigners, a slight addition to existing language which is nullified by a damaging loophole -- "subject to the conditions specified by national legislation."

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[M] The participating states reaffirm their commitment fully to implement the provisions regarding diplomatic and other official missions and consular posts of other participating states contained in relevant multilateral or bilateral conventions, and to facilitate the normal functioning of those missions. Access by visitors to these missions will be assured with due regard to the necessary requirements of these missions.	[Eastern proposal]	17. In order to ensure better conditions for consular, legal, and medical assistance for citizens of participating states traveling in other participating states, to consider, if necessary, adhering to the Vienna Consular Convention and concluding, if needed, complementary bilateral agreements.	Restatement of existing language, with new reference to Vienna Consular Convention. Access to missions has often been impeded in Eastern countries.
[M] The participating states will endeavour, where appropriate, to improve the conditions relating to legal, consular and medical assistance for citizens of other participating states temporarily on their territory for personal or professional reasons, taking due account of relevant multilateral or bilateral conventions or agreements.		Consider adhering to relevant multilateral instruments in the field of legal assistance such as civil and family matters, and concluding, if necessary, bilateral agreements on such questions.	
[M] The participating states will endeavour, where appropriate, to improve the conditions relating to legal, consular and medical assistance for citizens of other participating states temporarily on their territory for personal or professional reasons, taking due account of relevant multilateral or bilateral conventions or agreements.		Consider favorably the solution, inter alia by concluding bilateral agreements, of problems that may arise in connection with medical assistance, especially in cases of sudden illness or injury resulting from accidents.	

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[M] [The participating states] also reaffirm their willingness to take, within their competence, reasonable steps, including necessary security measures, when appropriate to ensure satisfactory conditions for activities within the framework of mutual cooperation on their territory, such as sporting and cultural events in which citizens of other participating states take part.	[Eastern proposal]	18. To facilitate the creation of satisfactory conditions, where they do not yet exist, for receiving tourists as well as persons who are participating in contacts and exchanges in fields such as culture, science, religion, education and sport and their representatives or corresponding institutions and organizations meeting among young people, and sport;	Restatement of existing language, with coverage extended to tourists and persons in the field of religion.
[H] The participating states intend to further the development of contacts and exchanges among young people by encouraging: increased exchanges and contacts on a short or long term basis among young people working, training or undergoing education through bilateral or multilateral agreements or regular programmes in all cases where it is possible; study by their youth organizations of the question of possible agreements relating to frameworks of multilateral youth cooperation...the development, where possible, of exchanges, contacts and cooperation on a bilateral or multilateral basis between their organizations which represent wide circles of young people working, training or undergoing education; [M] The participating states will encourage contacts and exchanges among young people and foster the broadening of cooperation among their youth organizations.	[Eastern proposal]	19. To favor the conclusion, between youth and student organizations, of bilateral and multilateral agreements or programs designed to develop contacts among young people and to promote exchanges among them;	Restatement of existing language.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] The participating states...express to these ends their intention in particular...to expand and improve...cooperation and links in the fields of education and science, in particular by...promoting the conclusion of direct arrangements between universities and other institutions of higher education and research, in the framework of agreements between governments where appropriate.... [M] The participating states will contribute to the further improvement of exchanges of students, teachers and scholars and their access to each other's educational, cultural and scientific institutions....	4. In implementing their commitments under the Final Act and the Madrid Concluding Document further to develop contacts among non-governmental organizations and associations, and to facilitate wider travel by their citizens for personal or professional reasons, remove existing impediments which prevent individuals and the institutions and organizations which they have freely established and joined from maintaining contact, communication and organizational ties with similar organizations in other participating states without need of official sponsorship or approval; permit individuals invited by such groups to travel to other participating states so that they are not replaced by another individual without the consent of the inviting organization.	20. To favor visits and exchanges between universities and other higher educational institutions of different participating states, including direct contacts among their students and teachers, taking into account in that context that an invited person may be replaced when the inviting party agrees;	Same as 19. Possibly useful reference to need of agreement for replacement of an invitee could be used to legitimate practice of such replacement to suit the interests of official organizations. Also, a dim shadow of the original Western proposal, whose emphasis on "non-governmental institutions" was rejected by the Eastern bloc.
[H] In order to expand existing links and cooperation in the field of sport the participating states will encourage contacts and exchanges of this kind, including sports meetings and competitions of all sorts, on the basis of the established rules, regulations, and practice.	20. Mindful of their willingness expressed in the Final Act to encourage contacts and exchanges in the field of sport, including sports meetings and competitions of all sorts, for the purpose of promoting this aim, encourage direct sporting exchanges between them at local and regional levels, as well as at national and international levels, and take steps to remove existing obstacles to such exchanges.	21. To encourage direct sporting exchanges between teams and participants at local, regional and international levels on the basis of mutual agreements, to encourage exchanges and contacts among young people and their organizations, both governmental and non-governmental, as well as the holding in this connection of bilateral and multilateral cultural, educational and other activities and events by and for young people, in the spirit of the recommendations contained in the documents adopted by the United Nations in the framework of the international youth year, concerning broadening contacts and exchanges among young people from different states.	Implicit in existing language. "On the basis of mutual agreements" is a new qualification. Reference to International Youth Year is harmless but not useful.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] The participating states... make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating states, and to contribute to the solution of the humanitarian problems that arise in that connection....	10. Recalling their belief, as expressed in the Final Act and the Madrid Concluding Document, that the development of contacts is an important element in the strengthening of peace and understanding among peoples, remove legal and other obstacles restricting or inhibiting contacts on their own territory between their citizens and resident or visiting citizens of other states.	22. To develop the possibilities of contacts on their territory between their citizens and citizens of other participating states in accordance with the relevant provisions of the Helsinki Final Act and the Madrid Concluding Document;	The original Western proposal, from which this text is derived, was to "remove legal and other obstacles restricting or inhibiting contacts on their own territory between their citizens and resident or visiting citizens of other states." The compromise formulation obscures the real problem of laws and regulations that restrict such contact. It adds nothing of practical value to existing language.
[No previous language]	14. Recognizing that the freedom to establish and maintain communication is essential for effective human contacts, guarantee the freedom of transit of postal communications in accordance with the Universal Postal Convention, thus ensuring the rapid and unhindered delivery of personal mail; ensure all the conditions necessary to carry on rapid and uninterrupted telephone calls in accordance with the International Telecommunication Convention; respect the privacy and integrity of all such communications.	23. To guarantee, in accordance with the universal postal convention and the international telecommunications convention, the freedom of transit of postal communications. To ensure the rapid delivery of corresopndence, including personal mail, and to ensure the conditions necessary for rapid telephone calls, including the use and development wherever it is possible, and to respect the privacy of all such communications;	Ensuring the rapid delivery of mail is new to the CSCE process, restating binding commitments undertaken elsewhere. Ensuring conditions for rapid telephone calls and for "privacy of all such communications" are additions to existing language. "Wherever it is possible" is a wide loophole to the provision on direct dialing systems.
[No previous language]	15. [The participating states] should carefully review all outstanding applications for travel for the purpose of family reunification and for other purposes related to the aims of the part of the Helsinki Final Act and the Madrid Concluding Document dealing with human contacts with a view to ensuring that these applications are being dealt with in a manner consistent with the relevant provisions of those Documents. They further recommend that such reviews should be repeated at regular intervals.	24. To review carefully all applications for travel for the purposes of family reunification and for other purposes related to the aims of the part of the Helsinki Final Act and Madrid Concluding Document dealing with human contacts, which have not yet been decided upon or to which a formal answer has not yet been given, with a view to ensuring that all applications are dealt with in a manner consistent with the relevant provisions of those documents;	The review of applications is a marginal addition to existing language, but, given noncompliance with previous commitments to decide "favorably" and "expeditiously," this new formulation is unlikely to be of any practical value.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[M] [The participating states] agree to give favorable consideration to the use of bilateral round-table meetings, held on a voluntary basis, between delegations composed by each participating state to discuss issues of human rights and fundamental freedoms in accordance with an agreed agenda in a spirit of mutual respect with a view to achieving greater understanding and cooperation based on the provisions of the Final Act.	19. Give favorable consideration to the practice of periodically holding bilateral meetings and round tables between delegations, whose composition is to be determined by each participating state, to deal with questions concerning the promotion of contacts among their citizens, institutions and non-governmental organizations. The aim of these meetings and round tables will be to improve and develop co-operation in the humanitarian field among the participating states, to implement more fully the relevant provisions set forth in the Final Act and in the Madrid Concluding Document, and to bring about as promptly as possible a satisfactory solution to outstanding humanitarian cases. In particular, on the occasion of such meetings and round tables, the participating delegations should also proceed to a mutual exchange of exhaustive information and full details, and to their updating in the event of changes, on the laws, procedures and practices in force in the respective countries with regard to applications for travel abroad submitted by citizens with a view to contacts and regular meetings on the basis of family ties, reunification of families and marriages between citizens of different states.	25. To give favorable consideration to the practice of holding -- on the basis of mutual agreement -- bilateral meetings and round tables between delegations, whose composition is to be determined by each participating state, to deal with questions concerning the development of contacts among persons, institutions and organizations. One of the aims of these meetings and round tables will be to contribute to improving and developing cooperation in the humanitarian field among the participating states, including the discussion of current humanitarian issues;	Reformulation of existing possibility to hold bilateral round-tables on all human rights issues.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[H] The participating states...declare their readiness to these ends to take measures which they consider appropriate and to conclude agreements or arrangements among themselves, as may be needed....	[Eastern proposal]	26. To consider widening the practice of intergovernmental agreements, protocols or programs concerning exchanges in various fields, concluded on multilateral or bilateral basis, in contributing to the carrying out and development of contacts among persons, institutions and organizations of the participating states.	Harmless but not useful.
[H] [The participating states] confirm that religious faiths, institutions and organizations, practising within the constitutional framework of the participating states, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information. [M] The participating states reaffirm that they will recognize, respect and furthermore agree to take the action necessary to ensure the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience. [M] [The participating states] will further implement the relevant provisions of the Final Act, so that religious faiths, institutions, organizations and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.	18. In fulfillment of their commitment under the Madrid Concluding Document to implement further the relevant provisions of the Final Act so that religious faiths, institutions, organizations and their members can develop contacts and meetings among themselves and exchange information, promote the possibilicies for individual believers and communities of believers to establish and maintain personal contacts and communication with fellow-believers and communi-. ties of believers also in other countries, including travel, pilgrimages, assemblies and postal communications; respect the ability of believers and communities of believers to acquire, receive and carry with them religious publications and related materials.	27. In implementing the relevant provisions of the Final Act and the Madrid Concluding Document, to promote the possibilities of religious faiths, institutions, organizations and their representatives to establish and maintain personal contacts and communication with religious faiths, institutions and organizations and their representatives also in other countries, including travel, pilgrimages, and postal communications and to allow them, within the field of their activity, to acquire, receive and carry with them religious publications and religious objects for their own use.	Restatement of existing language. New references to pilgrimages, postal communications, and religious publications and objects. "For their own use" is a damaging qualification -- i.e., persons could not bring or recieve sufficient copies for a whole congregation, synagogue, or parish. Important reference in original Western proposal to "individual believers" deleted.

Helsinki / Madrid	Western Proposals	Final Compromise Proposals	Analytical Comments
[No previous language]	5. Reaffirming the role that individuals and organizations have to play in contributing to the achievement of the aims of the CSCE process as well as the commitment of the participating states to develop further contacts among governmental institutions and non-governmental organizations and associations, encourage the setting-up and facilitate the unimpeded implementation of town-twinning arrangements between authorities most directly concerned in order to develop direct contacts between their citizens.	28. To encourage the setting-up and to facilitate implementation of town-twinning arrangements between institutions, organizations and citizens of their respective countries.	The introduction of "town-twinning," a bilateral practice, is new to CSCE but not of any practical significance.

APPENDIX 7

INDEX OF SPEECHES DELIVERED BY U.S. DELEGATION TO THE BERN HUMAN CONTACTS EXPERTS MEETING

DATE	DELIVERED BY	SUBJECT
4/3/86	Amb. Michael Novak	CSCE Experts Meeting - Bern
4/7/86	Amb. Michael Novak	On Open Plenary Meetings and the Public
4/17/86	Amb. Michael Novak	Ordinary People: The Dream and the Reality
4/22/86	Amb. Michael Novak	A New Beginning for Divided Spouses
4/24/86	Amb. Michael Novak	Response to Soviet Charges of 4/23
4/24/86	Amb. Michael Novak	Family Reunification
4/28/86	Amb. Sol Polansky	On Increasing Human Contacts
4/29/86	Amb. Michael Novak	Visa Practices
5/1/86	Amb. Michael Novak	Toward An Open Soviet Union (Annex Attached)
5/6/86	Amb. Michael Novak	Statement on Proposals BME. 14, 16, 24, 25
5/6/86	Amb. Michael Novak	Extempore Reply on Proposals BME. 4, 5, 6
5/7/86	Amb. Michael Novak	Statement on Proposal BME. 13
5/7/86	Amb. Michael Novak	Religious and Human Contacts (BME. 26)
5/8/86	Amb. Michael Novak	Introduction of BME. 15 (Free Labor Unions) and Support for BME. 7 (NGOs)
5/8/86	Amb. Michael Novak	Extempore Right of Reply to USSR: On Labor Unions
5/9/86	Amb. Sol Polansky	Religious Contacts
5/9/86	Amb. Michael Novak	Right of Reply on Religion
5/13/86	Amb. Michael Novak	On Mail and Postal Interference
5/14/86	Amb. Michael Novak	Remarks on the Criteria for a Final Document at Bern HCEM
5/15/86	Amb. Michael Novak	Remarks on Entry and Exit Visas
5/15/86	Amb. Michael Novak	Right of Reply to Poland
5/16/86	Amb. Michael Novak	Remarks on May 16 Speech by USSR
5/16/86	Amb. Sol Polansky	Statement in Support of BME. 11
5/21/86	Amb. Michael Novak	Statement to Plenary Session
5/27/86	Amb. Michael Novak	Concluding Plenary Address

Michael Novak Speech of April 3, 1986

CSCE Experts' Meeting, Bern

Mr. Chairman, Distinguished Delegates

Representing my government, permit me to thank and to commend our Swiss hosts for the excellence of their hospitality, for their forethought, and for these lovely, practical facilities. Few of us could offer facilities at once so beautiful and so homelike -- so much in human scale.

Representing my delegation, permit me to say how glad our veterans of CSCE meetings feel -- those who have been present since the beginning -- to join again with so many colleagues in the important work of this meeting. (In some respects, meetings of CSCE are themselves a kind of "family reunification.")

In my own name, allow me to say what a privilege it is to be associated with the vital work of the CSCE -- which is on the very frontline of world concerns. To my mind it is the key international assemblage, the pivotal point.

In preparing for this meeting, we thought back to 1975 at the Helsinki Final Act, to 1980 when under President Jimmy Carter the Madrid Conference began, and to 1983 when under President Reagan and with basic continuity the Madrid Conference closed. In that same spirit of continuity our delegation begins its work today.

Much has changed in the world since 1975, since 1980, and even since 1983. We see a new revolution in the world of communications, and in the technical means through which human contacts may be established, independently of central controls. We see a new technology of personal computers, word processors, fiber optics and satellites, which will free individual human beings to communicate with others around the world as never before. We foresee a world of small, portable, personal television sets and telephones, through which individual human beings will be able to establish contact with other human beings anywhere in the world.

Politically as well as technologically, we see a new world. Thus, we recognize that a new moment is at hand. In the last few years we have seen the appearance of a revitalized United States and Canada, a revitalized Western Europe, and even a revitalized Eastern Europe.

We see a new, vigorous, young leader as the Secretary General of the USSR, and behind him a whole new generation of Soviet leaders, who in the years of their most intense activity will have responsibilities to meet before history, until the end of this century.

Therefore, we listened with great interest and expectation to the words pronounced in Geneva by the Secretary General, concerning a spirit of cooperation in humanitarian affairs. We noted with hope and expectation when he repeated these same words, a new "humane and positive spirit" of cooperation in humanitarian affairs at the 27th Congress in Moscow. These words may mark the beginning of a new era. Much depends on what is made of them in concrete reality.

Moreover, these words were recalled to me by President Reagan, by whose authority I serve here, when I had the privilege of a brief meeting with him just before departing for Bern. President Reagan asked me to communicate to you, and to the world, how important the normal human contacts of individuals and families are to the people of the United States. The people of the United States, he suggested, judge regimes by the quality of the human contacts they permit. And his words made me think that initially, there is no need for harsh words, there is no need for public display. What is most important to the people of the United States are improvements in the concrete reality of many individual lives. What is important to us is the reality, much more than the words.

In preparing myself for this meeting, I read over some of the speeches given during the preparatory meetings at Madrid. These meetings are important to us, because our colleagues at the Madrid Conference were the founding fathers of this meeting in Bern. They often spoke during the preparatory meetings at Madrid of the need to proceed without illusions, on the firm basis of reality, while making a clear review of the record, a record which had given them so many disappointments since 1975. Moreover, in the words of Ambassador Max Kampelman, my predecessor as head of the US delegation in Madrid, our colleagues in Madrid reminded one another often that they should choose the path of reason, and proceed with pragmatism, keeping their eyes fixed upon concrete improvements in the real lives of individuals.

For example, in his concluding speech of July 15, 1983 after reviewing, the six improvements Madrid added to the language about human contacts in the Helsinki Final Act, Ambassador Kampelman spoke these words at Madrid concerning our meeting today in Bern.

> "There was one additional step taken after months of debate and stalemate. The West believes that it is important to provide a forum after Madrid and before the next followup meeting for the issue of human contacts to be thoroughly explored at a meeting of experts attended by representatives of all 35 countries. We look upon an experts' meeting as a means of providing an opportunity for further clarity and, perhaps, understanding among us all, so that by the time of the next followup meeting this issue might be less of an irritant.
>
> "The Government of Switzerland shared our belief and invited the participating states to an experts' meeting to deal with human contacts during April 1986. This was finally accepted by the Soviet Union. A late date was selected so that we will have time to examine how the six new provisions in the Madrid agreement will have been complied with. We look upon this meeting as an important development."

Thus, our founding fathers at Madrid looked upon the Bern meetings as a potential turning point. This becomes particularly clear when we reflect on one of the first words to appear in the Madrid document. That word is "detente." Already in 1980, "detente" was beginning to lose it clarity and its positive ring. It is a word that, if it has any meaning left to it at all today, has three parts, about each of which I want to speak in concluding these remarks: peace, cooperation, security. Each one of these three realities depends principally upon -- is constituted by -- the quality of human contacts.

Consider peace. What is peace? Peace is the situation in which human contacts are freely arrived at. Peace is the dynamic of ordered tranquility, as St. Augustine put it -- an order that is lawlike, brotherly, free, uncoerced.

What is cooperation? Cooperation is human beings not only in contact with one another, but also working together. They give one another common assistance, toward purposes freely arrived at by each of them. Cooperation implies liberty and choice. Cooperation must be freely given. It is a precious form of human contact.

What is security? Security is the situation in which human beings live in mutual contact without fear, in freedom, without being threatened.

Peace, cooperation and security -- at the heart of every one of them lies the concept of human contacts. Only by the quality of these human contacts do we know whether we have peace, cooperation, and security. These three are constituted by free human contacts, chosen without fear, freely entered into.

We Americans look toward Europe for our spiritual roots. We see that for centuries Europe, East and West, has grown as two branches of one same root. We see Europe entering into a new era of closer contact constituted by a new technology and a new politics. Those who would prepare themselves for this new era must make decisions now about the quality of the human contacts that will characterize European life by the time this century ends.

On open plenary meetings and the public .

Remarks of M. Novak. April 7, 1986

CSCE Experts Meeting, Berne

Mr. Chairman. Permit me to propose two principles, which might prove useful in our present considerations. The first is the principle of openness. The second is the principle of compromise. The first follows from our subject matter, the second from our method of consensus.

Our delegation, it is obvious, represents the people of the U.S.A., an immigrant people, drawn from every quarter of the world, a people nearly all of whose roots lie elsewhere. One out of ten Americans, for example, has at least one grandparent from the lands of Central and Eastern Europe. Therefore, the interests of millions of American families -- part in America, part in Eastern Europe -- are deeply involved in what happens to the Eastern branches of their families. Their interest is not so much political, and not so much ideological, as it is familial. Whatever happens to their relatives is a family affair.

In addition, Mr. Chairman, for the people of the United States the business of the State is a public business. Governance is by consent of the governed. Therefore, about laws made, agreements entered into, and actions taken by the state, the people have a right to know. My delegation, for example, is directly answerable to the people. Even before coming here, I was summoned before the Congress to give an account of what I intended to say and do here, even before I did it. Everything I do or say here will later be subject to the judgment of our people. Most of the delegations assembled here are similarly accountable.

From such a background, Mr. Chairman, and fellow delegates, you will understand why our delegation is in favor of maximum openness in as many of our plenary sessions as possible. Our distinguished colleague, the Head of the Soviet

Delegation, for whom I have already learned both a professional and a personal esteem, mentioned last Thursday that we should proceed in a businesslike manner, and that this in his judgment requires closed meetings. We understand and respect his point of view, Mr. Chairman. Nonetheless, our own tradition leads us to the opposite conclusion. Precisely in order to be businesslike, our meetings ought to be open. Our business is the public's business. States are formed to serve the people, not the reverse.

Therefore, Mr. Chairman, it would fit more with the distinctive ideals of our own democracies if most of our meetings in Bern -- at least a large proportion of our Plenary Meetings -- were open to the public, as are the meetings of the Houses of Representatives, Senates, Parliaments, and Commissions in our several nations.

We recognize that others disagree with us. And in such cases, besides openness, democratic peoples such as ours cherish another principle: a willingness to compromise, for the common good. Therefore, with due respect for CSCE traditions and their demonstrated record of gradual development, we are not here asking for complete openness at all meetings. We ask openness only for a proportion of the plenary sessions, not during the working groups that some among our colleagues would like to see established. If such working groups do come into existence, our proposal would mean open sessions for considerably less than half the conference as a whole.

You have a right, fellow delegates, to remind us of objections to our point of view. If is often said, for example, that public meetings make effective progress less likely. Yet most of the most effective negotiations in the CSCE process do not (and should not) take place in plenary or on the floor. And, if there is a compromise on working groups, most of the sessions of the conference will in any case be closed. As for the relatively few open meetings we are requesting, in our experience the public has a careful conscience. It is always best to trust the public. Over time the public sees through falsity and propaganda, has sound judgment, shows great common sense. We trust our public. Our public trusts us-- or else we are gone. These meetings in Bern will be all the more businesslike, if all of us are accountable to the public.

The reason why this is so is plain. What is the subject matter of this meeting? Human contacts. Does not the public know better than we the full range of human contacts, the full pain of broken or prevented human contacts? Do not all of you hear from the public every day, as I do, by telephone, and letter, and photograph and beseechment? Since my name was announced for this post, I have been weighed down by hundreds-- and by additional long lists-- of sad stories, one after another. I carry with me to this conference a mail bag heavy with evidence of pain.

Does not the public know about sports? What would sports be without an eager public? Does not the public know about tourism? ...Has not every member of the public a family, a spouse, children, an aged parent, a birth-place, a cemetery in one rodina or another in which the bones of grandparents lie? The public carries a huge burden of tearful knowledge about human contacts in our time. The public may know more than we about the proper subject of this meeting. Here the public supplies the experts. We are merely students of phenomena, whose millions of hidden veins of suffering we are humanly incapable of knowing.

Mr. Chairman, esteemed colleagues, there is no other subject matter that more touches the public, more belongs to the public, and is better known to the public, than "human contacts" (and their untimely interruption). No other subject matter-- not even human rights, with their institutions, due process, and formal procedures-- is so close to the people as are matters such as family; freedom of personal movement; sports; tourism; and social belief in God.

Our delegation concludes from these reflections that the Bern procedures after April 15, with full respect for the important precedents that have accumulated over the 10 years of this process, ought to be more open than any other meetings in the CSCE process The subject matter itself demands it. The public has an interest in knowing what we say (and how we say it): concerning matters even closer to them than to us-- to their human contacts, their human possibilities, their loves, their private hopes. What have government officials to say about love?

I repeat, Mr. Chairman, our delegation is willing to compromise, for the common good, in this assembly of many nations and many philosophies. All we ask is that our meetings on such a subject matter, closer to the public than to ourselves, be not only as open as earlier meetings in the CSCE tradition, but somewhat more so. We look, Mr. Chairman, for a reasoned compromise, which each of us will be proud to take to our divers publics.

ORDINARY PEOPLE: THE DREAM AND THE REALITY

Ambassador Michael Novak
Head, U.S. Delegation

Plenary
April 17, 1986

The people of the United States, through our delegation, would like to thank the people of Switzerland, and with them the Executive Secretary, and his every single staff person, for the generosity, the open-heartedness and the perfection of the arrangements with which they have welcomed us.

In this city, at every turn, the virtues of the Swiss people are apparent: dignity; a striving for excellence; a love for intellect and the works thereof; an instinct for the beauty of God's mountains and the creativity of humankind. In this way, the ordinary people of Switzerland -- their laws, their traditions, their habits of the heart -- shed light upon our mandate: "to discuss the development of contacts among persons, institutions and organizations."

In which country of the world are contacts among persons, institutions and organizations developed to a higher art? In which are human contacts so international, open, orderly and warm? If all the world were Switzerland, the burden of our mandate would be light.

Nearly eleven years ago, the distinguished Foreign Secretary of the United Kingdom, then Sir Alec Douglas-Home, threw down a challenge: "If we do not improve the life of ordinary people at this conference," he said of Helsinki, "we shall be asked -- and with justice -- what all our fine words and diplomatic phrases have achieved." Ordinary people. If we do not improve the life of ordinary people, words are empty. There remains a darkness in which many millions cry.

Ordinary people are our subject here. Ordinary people in their ordinariness -- with their spouses, their children, their parents, their grandparents and multiple relatives; the cemeteries where the bones of their ancestors lie and the shaded rooms in which their sick languish; their sports and travels; their friends and relatives blown abroad upon the winds of war and chance and choice; their professions; and the deepest convictions of their hearts.

Ordinary people are our theme. Our mandate is: to improve their lives. "To discuss the development of contacts" -- that is, to seek improvement in their contacts with other human beings and to discern the impediments, obstacles, and barbed wire walls; the tangles of law and administrative breakdowns which interrupt such contacts.

We act in the name of peace, security, and cooperation in Europe and these four go together: peace -- security -- cooperation -- and ordinary people, in their ordinary human contacts.

What do ordinary people want? It is no so very much: ordinary liberty to do ordinary human things, without any state standing in their way. This is a universal dream of all ordinary people everywhere. It is a dream embodied, codified, set down in clear words, and certified by 35 heads of state on the first day of August 1975, in Helsinki, Finland: Ordinary liberties for ordinary people.

In Moscow last February 25, General Secretary Mikhail Gorbachev expressed a portion of this dream in a few brief "fundamental principles":

> "IN THE HUMANITARIAN SPHERE:
>
> " -- ...broader contact between peoples for the purpose of learning about one another; reinforcement of the spirit of mutual understanding and concord in relations between them...
>
> " -- decision in a humane and positive spirit of questions related to the reunification of families, marriage and the promotion of contacts between people and between organizations..."

This is one nation's view of the universal dream. The dream is more powerful than the views of any nation, or of all nations. This dream does not originate in states. It cannot be contained by states. It is endowed in ordinary people everywhere, by the deepest and most powerful endowment.

This is the dream that haunts our ever ancient, ever new European civilization. For marxists as well as democratic capitalists, for believers and unbelievers, for all who speak the languages of Europe, think the thoughts of Europe, and give evidence in their lives of the habits of Europe -- for all these, the roots of European culture lie buried deep in these three convictions of Judaism and Christianity:

(1) it is the vocation of Europeans (as of all humans) to change history, not merely to be passive before it;

(2) to meet this vocation, every single human being has been created free and responsible, and is endowed with unalienable rights to pursue the vocation of human development to its fullest;

(3) to protect these rights, governments are formed among men to improve the life of ordinary people, through the consent of ordinary people.

General Secretary Gorbachev speaks of a dialogue among "leaders of countries." It is also, far more deeply, a dialogue among the world's ordinary people. Everywhere, Europeans today seek the intellectual roots of our common humanity, our common roots, at the core of every European spirit.

This CSCE, this conference -- this institution of no fixed abode, and no permanent staff, and no permanent budget -- is fashioning a new Europe, and persons of middling age -- that is, most of us in this room -- have in our care the nurturing of this Europe, during the next fourteen years, until the year 2000, and into the next, twenty-first, century, hopefully to be the most creative of all human centuries.

Indeed, a new era in human contacts is already forming, through technology, which no government will be able to control. This technology is personal, and designed to obey individual will: personal computers, word processors, video cassettes, portable hand-held telephones and television communicators. It is now possible to control carbon paper through serial numbers. It is now possible to put padlocks on copiers. But it will not be possible for central authorities to control the new personal media. Those who try will enter obsolescence.

As we enter this new age, the test for every nation will be: Does it improve the life of ordinary people? Or does it enter slow decline?

* * * * *

I have tried to sketch the dream that unites all delegations in this room. Now I must face the other way, toward reality. The reality, alas, is not like the dream.

Let me put the matter as gently as I can. About one American in ten has at least one family root in Central and Eastern Europe: some twenty-three million Americans. One part of their growing family tree spreads branches in America; part grows still in Europe. Along such family networks, through such human contacts -- by letter and by telephone, by memory and sympathy, in ways both straight and indirect -- come jolting shocks of reality.

Of all American citizens, those of Central and East European heritage find it most difficult to exercise freely the rights of human contact with their families abroad. Our fellow citizens, who spring from Swiss or French, Italian or Spanish, Irish or Norwegian -- indeed from Latin American or African or Asian -- stock, find almost no difficulties in exercising free and open contact with their families in their rodina (homeland) of origin. Not so with us.

We hear pleas from relatives of ours in the Baltic States and Ukraine, among others; pleas from relatives of ours in countries in Eastern Europe; pleas from relatives of ours among Jews in several lands. We hear realities from thousands upon thousands who seek to visit, or to move abroad, according to the choices of their heart. To hear from such as these is to pass from dream to reality.

Let me say a word about how our delegation will proceed. The people of the United States are a biblical people. Like the Bible itself, we think naturally in stories, in terms of individual cases, which are the foundation of the Common Law. From time to time, our delegation will, quite naturally, mention the individual cases of those whose dreams have not yet been realized.

In this context, my delegation honors the citizen monitors in so many countries, who took the words of the Helsinki Final Act with dreadful seriousness. These brave men and women -- heros to the entire human race -- have bravely endured so much more than any of us to make the dreams of the Final Act the dramatic material of a new beginning. They have begun the task of making words of law deeds of flesh, of making dreams realities, of turning solemn international commitments into actual "decisions in a humane and positive spirit."

The people of the United States are also a family people. Families are dear to us, as are the multiplicity of freely chosen associations in which we live our daily lives. Our hearts are especially drawn to the divided spouses, separated from each other's arms for so many years. We are touched by family members, seeking to join that portion of their family tree they freely choose.

This is not the occasion for details. Suffice it to say that many letters and calls make us aware of greater pain than words well express. Perhaps the reality to which I speak is best expressed in the image President Reagan evoked in dispatching me to Bern -- an image of the Great Wall through the heart of Europe, dividing Europe, symbolizing the rude interruption of normal human contacts.

In the twenty-first century, will that wall stand? Will it be necessary? Will it remain, as an affront to dignity, to liberty, and to the ordinary human contacts of ordinary human beings?

It is said at times that Europe is today divided by two philosophies, two different social systems, two different images of how human contacts should be exercised. On one side, it is said, are those who believe that human contacts ought to be steered, ought to be controlled, by the state,for the interests of the state. On the other side, it is said, are those who believe that human contacts ought to spring from the soul of every individual person, from choice, from will, from self-determination: human contacts of ordinary people, by ordinary people, for ordinary people.

Two different social systems, two different philosophies: suppose this description true. What is never addressed is why? How are these two systems justified? In the night, in the words of Chekhov, one hears the sobbing of a child. "Why?" the child asks.

Our mandate is to "discuss the development of contacts among persons, institutions and organizations." We will, therefore, discuss laws, regulations, habits, and ways of acting. We will discuss these -- both in dream and in reality. We must discuss them with hope for concrete improvements in the lives of ordinary citizens -- in the words of General Secretary Gorbachev: new "decisions in a humane and positive spirit." And we must discuss them face-to-face with reality. Many ordinary people suffer in the dark.

Our delegation intends to hear, and to voice, their pain.

Above all, we look to a better Europe soon. An open Europe. A Europe without a wall. Europe free from fear: acting out in reality the peace, security and cooperation to which the Helsinki Final Act and the Madrid Concluding Document committed all of us. We look to the scrupulous application of those commitments. All our nations have publicly affixed their names to them.

We thank every delegation for dreaming this dream with us, facing reality with us, so that all cooperating together, Europe may experience another, morally fuller, renaissance.

ANNEX

Yesterday, Mr. Chairman, two delegations raised the question of terrorism. Because I was the Chairman of the day, and because their references were oblique, it seemed appropriate to wait until today to make a comment.

One does not have to agree with Thomas Hobbes to note: without civilization, there is only terrorism: nothing but brute power, murder, and fear. Civilization begins with triumph over terror.

Although the Helsinki Final Act and the Madrid Concluding Document affirm several penetrating points about terrorism, terrorism is not the subject of our mandate at Bern. By contrast, though, civilization is a theme important to us, because civilization is the pre-condition for authentically human contacts. Civilization is the rule of law substituted for the rule of terror. Since it is a work of reason, civilization consists in layer upon layer of defenses against terror. The right to defend civilization against terror is inherent in civilization. The right to defend civilization against terror is permitted by international law; it is commanded by the moral law.

During the first weekend in Bern, fellow delegates, on the evening of April 5, as we were just meeting one another, scores of young men and women in Berlin were also meeting. It was a weekend. They were dancing. Like young people everywhere, they were carefree, relaxed, and happy with the happiness of youth.

So also, a few days earlier, were the passengers on a TWA airliner flying smoothly over Athens. These normal human contacts among peaceful citizens of several states were suddenly jolted by explosions. At 12,000 feet, from out of the blasted fuselage three adults and one infant were sucked out to their deaths. In Berlin, the dancing was stopped by horror, the same horror which surrounds all civilized people today, as once it did centuries ago.

Let me return to my original theme. Centuries ago, both in ancient times and in medieval times, the cities of Europe had their first origins in a determined battle against terrorism. These were walled cities -- often built above cliffs -- islands of safety amidst a countryside preyed upon by brigands and marauders.

In the coming renaissance of Europe of which I speak today, Europe will also break the grip of terrorism. Europe will rise free from terrorism. Europe will do so because of the resolution and determination of all its citizens. The citizens of the United States will be at their side. The citizens of Europe, of Canada, and of the United States now bear the burden of this struggle, not because we chose to, but because it was thrust upon us. Innocent civilians in innocent surroundings have the right to be free from fear. And they will be.

A NEW BEGINNING FOR DIVIDED SPOUSES

AMBASSADOR MICHAEL NOVAK — PLENARY STATEMENT
HEAD, U.S. DELEGATION — APRIL 22, 1986

LET ME BEGIN BY THANKING MY FELLOW DELEGATES FOR THE GOOD SPIRIT SHOWN IN OUR WORK SO FAR. WE ARE HERE, IN THE NAME OF ORDINARY PEOPLE EVERYWHERE, TO REVIEW "DEVELOPMENTS IN HUMAN CONTACTS" SINCE MADRID. IT IS EASY FOR EACH NATION TO SEE WAYS IN WHICH OTHER COUNTRIES FALL SHORT OF COMMITMENTS WE ALL MADE TOGETHER, IN ONE ANOTHER'S PRESENCE, AND IN THE PRESENCE OF ORDINARY PEOPLE EVERYWHERE. THIS MORNING THE DISTINGUISHED DELEGATE OF THE SOVIET UNION URGED EVERY NATION HERE TO SEE ITS OWN FAULTS. ALAS, HE DID NOT SHOW US HOW. HE DID NOT PRACTICE WHAT HE PREACHED. WE HOPE THAT LATER ON HE WILL.

TODAY I WOULD LIKE TO COVER THREE POINTS: FIRST, AN AREA IN WHICH THE UNITED STATES IS REVIEWING ITS OWN CONDUCT IN THE LIGHT OF NEW REALITIES SINCE MADRID; SECOND, A WELCOMING NOTE FOR CERTAIN IMPROVEMENTS IN EASTERN EUROPE SINCE HELSINKI; THIRD, A PROPOSAL TO MAKE THE BERN MEETING A LANDMARK FOR "SEPARATED SPOUSES."

BY WAY OF INTRODUCTION, HOWEVER, PERMIT ME TO NOTE A QUESTION OF SCALE AND DEGREE. FIRST, AS ALL THE WORLD OPENLY EXPERIENCES, HUMAN CONTACTS FLOW MOST FREELY AMONG THE FREE PEOPLE OF THE FREE NATIONS. SECOND, HUMAN CONTACTS FLOW LESS FREELY WITHIN THE NATIONS LED BY THE COMMUNIST PARTY: ALTHOUGH NOT SO FREELY AS IN THE FREE WORLD, BETTER THAN TEN YEARS AGO. LAST OF ALL COME MOVEMENTS FROM THE FREE WORLD INTO THE COMMUNIST WORLD, AND FROM THE LATTER OUT. HERE IS THE REAL BARRIER. HERE IS OUR REAL SUBJECT. THIS IS EXPRESSED IN THE METAPHOR "IRON CURTAIN," IN THE GREAT WALL THROUGH THE CENTER OF EUROPE, AND IN THE "PROBLEM" OF HUMAN CONTACTS. AT HELSINKI AND MADRID, ALL OUR GOVERNMENTS COMMITTED THEMSELVES TO LOWERING THE BARRIERS SEPARATING EAST FROM WEST. IN MEETING THAT TASK, THE UNITED STATES WANTS TO DO ITS SHARE.

CRITICISM BEST BEGINS AT HOME. IN THE UNITED STATES, CRITIZING GOVERNMENT IS A FAVORITE HABIT OF OUR CITIZENS. THUS, THOMAS JEFFERSON WARNED HIS CONTEMPORARIES THAT THE AMERICAN COMMITMENT TO "LIBERTY AND JUSTICE FOR ALL" WOULD REQUIRE A CONSTANT SET OF "REVOLUTIONS." THERE IS NEVER ENOUGH LIBERTY. THERE IS NEVER ENOUGH JUSTICE. PROGRESS MUST BE INCESSANT. EVERY GENERATION MUST ATTEMPT A NEW BEGINNING. SINCE JEFFERSON ESTIMATED THAT THE AVERAGE GENERATION LASTS 18-1/3 YEARS, HE THOUGHT AMERICA SHOULD HAVE A "REVOLUTION" EVERY 18-1/3 YEARS. THAT IS THE SECRET TO OUR NATION'S DYNAMISM, AND TO OUR FASCINATION WITH "NEW BEGINNINGS."

IN THE FIELD OF HUMAN CONTACTS, CONCERNING BOTH IMMIGRANT AND NON-IMMIGRANT VISAS, OUR NATION FACES AN UNPRECEDENTED VOLUME OF DAILY DECISIONS. OUR DELEGATION LISTENED WITH CARE TO REFORMS ON OUR PART SUGGESTED HERE BY OTHERS.

ON THIS PLANET, LIBERTY IS MORE SCARCE THAN OIL. THEREFORE, MILLIONS OF PERSONS CONSTATNLY SEEK OUT THE FREE NATIONS. OF THESE, PERHAPS AS MANY COME TO OUR COUNTRY AS TO ALL OTHER NATIONS COMBINED. STEADILY, MORE THAN 500,000 LEGAL IMMIGRANTS SETTLE IN THE UNITED STATES EACH YEAR, ALONG WITH ANOTHER 70,000 REFUGEES. THIS COMES TO ABOUT SIX MILLION NEW IMMIGRANTS EACH DECADE. IT IS AS IF WE ADDED A NEW POPULATION THE SIZE OF SWITZERLAND EVERY DECADE. IT MEANS THAT 2,400 IMMIGRATION VISAS MUST BE PROCESSED EVERY SINGLE WORKING DAY OF EVERY YEAR.

STILL, THIS NUMBER DOES NOT INCLUDE THE MILLIONS OF FOREIGN CITIZENS LIVING AND WORKING IN THE UNITED STATES, WHO STREAM THROUGH OUR BORDERS WITHOUT DOCUMENTS. THE CUMULATIVE NUMBER OF THESE UNDOCUMENTED ONES IS ESTIMATED TO BE TWELVE MILLION. TRYING TO CONTROL THIS FLOW HAS LED TO MANY PERPLEXITIES.

FOR EXAMPLE, WE NOW REQUIRE A VALID VISA FOR ALL VISITORS (EXCEPT CANADIANS). THIS SCREENING MECHANISM IMPOSES AN INCONVENIENCE, ESPECIALLY ON THOSE WHOSE OWN COUNTRIES DO NOT

REQUIRE U.S. CITIZENS TO HAVE VISAS. AGAIN, CURRENT VISA LAW CONTAINS PROVISIONS BARRING A VERY SMALL NUMBER OF VISITORS ON GROUNDS OF ACTIVISM IN CERTAIN IDEOLOGICAL CAUSES. TO MANY IN THE U.S., EVEN THIS SMALL NUMBER OF EXCLUSIONS SEEMS CONTRARY TO THE OPENNESS WE CHERISH. FRESH DEBATE UPON THIS QUESTION IN THE GOVERNMENT, IN CONGRESS AND AMONG THE PUBLIC IS UNDERWAY.

JUST THE SAME, IN 1985 ALONE (A TYPICAL YEAR), MORE THAN SIX MILLION CITIZENS FROM AROUND THE WORLD ENTERED THE U.S. ON NON-IMMIGRANT VISAS -- AS TOURISTS, STUDENTS, VISITORS, ETC. FOR THEM, 24,000 NON-IMMIGRANT VISAS (ON AVERAGE) WERE ISSUED EVERY WORKING DAY.

BY CONTINUING TO BE A NATION OF IMMIGRANTS, THE UNITED STATES IS THREE-WAYS BLESSED. IN THE NEWCOMERS, WE SEE OURSELVES. THEY TIE US TO THE WHOLE HUMAN RACE. THEY ENLARGE OUR SPIRITS. WE WELCOME THEM, AS WE WELCOME, TOO, THOSE WHO COME FOR SHORTER PERIODS.

NONETHELESS, IN THE PROCESS OF ISSUING MORE THAN 26,000 VISAS OF ONE KIND OR ANOTHER EVERY WORKING DAY, WE KNOW THAT WE GENERATE SNAFUS, MAKE MISTAKES, CAUSE SOME DELAYS, AND NEED CONSTANTLY TO REVIEW OUR METHODS OF OPERATION AND THE CHANGING PATTERNS OF GLOBAL MOBILITY. THERE ARE MANY DEBATES IN AMERICA TODAY ABOUT SEVERAL ASPECTS OF OUR VISA POLICIES. NO ONE HESITATES TO CRITICIZE OUR GOVERNMENT; TO DO SO IS OUR WAY OF LIFE. WE WANT TO DO THINGS BETTER. IN OUR VIEW, IMPROVEMENT IS ALWAYS NECESSARY.

THE SECOND POINT I WOULD LIKE TO MAKE IS THAT THE PEOPLE OF THE UNITED STATES CAN HARDLY HELP WELCOMING IMPROVEMENTS REGARDING HUMAN CONTACTS IN SEVERAL EASTERN EUROPEAN COUNTRIES. THAT THERE ARE DIFFERENT SOCIAL SYSTEMS AND DIFFERENT IDEOLOGIES IS NO EXCUSE FOR THE DIMINISHMENT OF HUMAN CONTACTS. AS THE DISTINGUISHED REPRESENTATIVE OF AUSTRIA POINTED OUT LAST WEEK, "EVEN AMONG COUNTRIES WITH DIFFERENT SOCIAL SYSTEMS, PROBLEMS CONCERNING HUMAN CONTACTS NEED NOT

ARISE." THE BORDERS BETWEEN AUSTRIA AND TWO OF ITS EASTERN NEIGHBORS, IN THIS RESPECT, ARE NOW REMARKABLY OPEN. WE WELCOME THAT. WE PRAISE THE COUNTRIES INVOLVED. AGAIN, ALTHOUGH POLAND'S ISSUANCE OF PASSPORTS IS SOMETIMES ARBITRARY, IT IS UNDENIABLE THAT POLES ARE MORE FREE TO TRAVEL ABROAD AND TO EMIGRATE THAN THEY WERE FOUR YEARS AGO. WE WELCOME THAT. IT IS ONLY HONEST TO PRAISE REAL PROGRESS ENGENDERED BY THE HELSINKI FINAL ACT.

HERE I DO NOT WANT TO BE MISUNDERSTOOD. THE ORDINARY PEOPLE OF EASTERN EUROPE ARE FAR FROM BEING AS FREE AS THEY HAVE EVERY RIGHT TO BE. IN THESE MATTERS, THEORIES OF MORAL EQUIVALENCE ARE INTELLECTUALLY EMPTY. FOR COMMUNIST NATIONS, HUMAN CONTACTS BASED UPON INDIVIDUAL RIGHTS AND INDIVIDUAL CHOICE PRESENT PROFOUND DIFFICULTIES. WHEN PLANNERS PLAN HUMAN CONTACTS, ORDINARY HUMAN WILL -- UNPREDICTABLE AND UNCONTAINABLE -- IS AN ANNOYANCE, WHICH THEY CAN HARDLY HELP WANTING TO REDUCE, STEER AWAY, OR PREVENT. NONETHELESS, IT IS ADMIRABLE THAT SOME STATES, ALTHOUGH LED BY ELITES OF THE COMMUNIST PARTY, ARE TRYING TO INCORPORATE THE HELSINKI NOTIONS OF INDIVIDUAL CHOICE INTO THEIR PRACTICES. THIS IS A STEP FORWARD FOR MILLIONS OF ORDINARY PEOPLE, WHOSE EXPERIENCE CRIES ALOUD FOR IT.

THE THIRD POINT I WANT TO RAISE CONCERNS ONE SMALL CATEGORY OF HUMAN CONTACTS CASES: DIVIDED SPOUSES. BY THIS IS MEANT, IN THE FIRST INSTANCE, THE MARRIAGE OF TWO CITIZENS FROM TWO DIFFERENT STATES IN WHICH, FOR SOME REASON OR ANOTHER, ONE OF THE TWO MARRIED SPOUSES IS PREVENTED BY STATE AUTHORITIES FROM LEAVING THAT COUNTRY. ACCORDING TO THE FINAL ACT, ALL SUCH COUPLES SHOULD BE ABLE TO JOIN EACH OTHER IN TIMELY AND PERMANENT FASHION, AS THOSE INDIVIDUALS CHOOSE.

PLEASE NOTE, MR. CHAIRMAN, THAT MANY OF THOSE WHO PARTICIPATE IN HUMAN CONTACTS UNDER SEVERAL OF THE SUB-HEADINGS OF THE FINAL ACT -- IN SPORTS EVENTS, AS STUDENTS, AS TOURISTS, IN CULTURAL EXCHANGES, IN TRAVEL FOR PERSONAL OR PROFESSIONAL

REASONS -- ARE YOUNG. FROM TIME TO TIME, THEY MEET OTHER YOUNG PEOPLE IN THEIR HOST COUNTRY. THEY FALL IN LOVE. THEY MARRY. WHAT COULD BE MORE NATURAL? WHAT COULD BETTER EXEMPLIFY "MUTUAL UNDERSTANDING AND CONCORD" ACROSS STATE FRONTIERS?

CONSIDER THE TWO LARGEST POPULATIONS REPRESENTED IN THIS ROOM, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED STATES OF AMERICA. WHEN U.S. CITIZENS MEET SOVIET CITIZENS, THEY OFTEN, QUITE SPONTANEOUSLY, LIKE ONE ANOTHER. WHEN YOUNG PERSONS FROM OUR TWO COUNTRIES MEET, THEY SOMETIMES FALL IN LOVE AND MARRY. MY DELEGATION -- AND, I AM SURE, THE SOVIET DELEGATION -- WISHES TO GO ON RECORD IN FAVOR OF LOVE AND ROMANCE. I BELIEVE ALL DELEGATIONS HERE WILL JOIN US. LOVE, BOTH FAITHFUL AND ROMANTIC, IS THE GREAT STORY OF WESTERN CIVILIZATION -- WHOSE BEWITCHMENTS NO ONE EVER BETTER DESCRIBED THAN THE GREAT SWISS WRITER, DENIS DE ROUGEMONT, IN LOVE IN THE WESTERN WORLD.

BETWEEN THE USSR AND THE USA, THERE ARE, AT THE PRESENT TIME, TWENTY-ONE CASES OF SEPARATED SPOUSES. SINCE OURS ARE NATIONS OF 270 MILLION AND 235 MILLION CITIZENS RESPECTIVELY, SURELY WE CAN FIND A CONSTRUCTIVE WAY TO BRING SUCH PERSONS TOGETHER SWIFTLY, ROUTINELY, AND IN A POSITIVE SPIRIT. WE KNOW THIS CAN BE DONE, BECAUSE RECENTLY IT WAS DONE. AT THE TIME OF THE GENEVA SUMMIT, ELEVEN SUCH COUPLES WERE ALLOWED TO REUNITE. THEIR CASES WERE, IN ALL CRUCIAL RESPECTS, LIKE THE TWENTY-ONE REMAINING.

I HASTEN TO POINT OUT THAT APPROXIMATELY 100 MARRIAGES OCCUR EVERY YEAR IN THE SOVIET UNION BETWEEN AMERICAN AND SOVIET CITIZENS. THE SOVIET UNION SOLVES MOST OF THESE CASES AT THE FIRST, OR SECOND, OFFICIAL REQUEST. WE APPLAUD THIS COMPLIANCE WITH THE FINAL ACT. WE WERE ALSO GLAD TO SEE THE RELATIVELY SUDDEN SOLUTION OF 11 OF THE 33 LONG-STANDING CASES, ON THE OCCASION OF THE GENEVA SUMMIT.

THE HEARTBREAKING ASPECT OF THE REMAINING CASES HAS THREE FACETS. FIRST, THE REASONS GIVEN FOR DENIAL BY SOVIET OFFICIALS OFTEN VARY AND CONTRADICT EACH OTHER. SECOND, THE REASONS GIVEN SEEM NO DIFFERENT IN PRINCIPLE FROM THOSE OF THE CASES SOLVED ON THE OCCASION OF THE GENEVA SUMMIT. THIRD, THE REAL REASON SEEMS TO BE, NOT THE ONES EXPRESSED, BUT REASONS OF STATE.

NO WONDER, THEN, THAT THE DIVIDED SPOUSES ARE MADE TO FEEL LIKE PAWNS. THEY ARE SOMETIMES TOLD -- WE HAVE HEARD THE SAME WORDS IN THIS VERY ROOM -- THAT ON SUCH CASES AS THEIRS THERE WILL BE NO ACTION UNTIL THE INTERNATIONAL POLITICAL SITUATION IMPROVES. THIS MEANS THAT INDIVIDUAL RIGHTS IN THE SOVIET UNION ARE NOT UNALIENABLE. IT MEANS THAT INDIVIDUALS ARE REGARDED AS INSTRUMENTS OF THE STATE. IT MEANS THAT THE REAL REASON FOR NOT MOVING ON THESE CASES IS THE PRIORITY OF THE STATE OVER INDIVIDUAL RIGHTS. IT MEANS THAT THE HELSINKI FINAL ACT IS NOT PERMITTED TO FUNCTION FOR INDIVIDUAL SOVIET CITIZENS, BUT ONLY FOR THE SOVIET STATE.

MR. CHAIRMAN, WE HAVE BEEN TOLD THAT THE SOVIET UNION DOES NOT REGARD THE INDIVIDUAL RIGHTS INHERENT IN THE HELSINKI VISION OF HUMAN CONTACTS AS ENDS IN THEMSELVES, ONLY AS MEANS. THE SOVIET UNION DOES NOT REGARD INDIVIDUAL RIGHTS AS "ABOVE" OTHER MATTERS, WE HAVE BEEN TOLD. BUT AS ITEMS TO BE TRADED, LIKE COMMODITIES, FOR OTHER COIN. FOR THE CITIZENS OF FREE NATIONS, THIS NOTION IS BOTH UNACCEPTABLE AND ABHORRENT TO WHAT THEY MEAN BY "HUMAN." INDIVIDUALS ARE NOT ANTS IN AN ANT-HILL, SHEEP IN A HERD, BEES IN A BEE-HIVE. THEY ARE SELF-DIRECTING CENTERS OF INSIGHT AND CHOICE.

IF CURRENT SOVIET AUTHORITIES REALLY DO REGARD THE HUMAN BEING AS AN INSTRUMENT OF POLICY, A PAWN UPON THE CHESS BOARD, A MEANS RATHER THAN AN END ITSELF, THEY ARE UNDERESTIMATING THE HISTORICAL GENIUS, THE COURAGE, AND THE CONSCIENCE OF GREAT PEOPLES WE HAVE ALL LEARNED TO LOVE AND ADMIRE.

MR. CHAIRMAN, MY DELEGATION BELIEVES THAT A NEW MOMENT MAY BE AT HAND IN THE SOVIET UNION, IN WHICH HUMAN BEINGS WILL COME AT LAST TO BE TREATED AS ENDS, NOT AS MEANS. HUMAN BEINGS, SO MANY RUSSIAN ARTISTS HAVE TAUGHT US DOWN THE CENTURIES, ARE THE MOST VALUABLE AND PRECIOUS BEINGS IN THE UNIVERSE. THEY ARE SUCH BECAUSE OF THE BURNING CONSCIENCE WITHIN THEM, WHICH THE STATE CANNOT TAKE AWAY FROM THEM, WHETHER UNDER THE CZAR OR IN THE GULAG.

FOR THAT REASON, WE BELIEVE THAT SOVIET AUTHORITIES, UNDER FRESH LEADERSHIP, WILL TAKE A FRESH APPROACH TO HUMAN BEINGS -- AND FIRST OF ALL TO THESE FEW CASES OF LOVE DIVIDED, THE 21 SEPARATED SPOUSES.

AT GENEVA, FOR ELEVEN HAPPY COUPLES, SUCH A SOLUTION MEANT MERCY, BEYOND THE MERE LETTER OF THE LAW. AT GENEVA, IT MEANT GENEROSITY, BEYOND A NARROW SENSE OF THE "INTERESTS OF THE STATE." TO BRING THE REMAINING TWENTY-ONE COUPLES TOGETHER WILL ALSO REQUIRE STATESMANSHIP. IT WILL REQUIRE RESPECT FOR THE PROFOUND AND UNPREDICTABLE PATHS OF LOVE BETWEEN MAN AND WOMAN. TOLSTOY WOULD HAVE UNDERSTOOD THIS, AS WOULD ALL THE GREAT WRITERS AND POETS OF OUR MUTUAL HUMANISTIC AND LITERARY TRADITIONS. THERE ARE TIMES WHEN POLITICS AND IDEOLOGY MUST YIELD TO LOVE. HUMANE VALUES ARE DEEPER THAN POLITICS AND IDEOLOGY; THEY ARE, IN FACT, THEIR SOLE JUSTIFICATION.

SOME ISSUES BEFORE THIS EXPERTS MEETING ARE DIFFICULT AND INVOLVE LARGE NUMBERS. THESE CASES OF SEPARATED SPOUSES INVOLVE SMALL NUMBERS.

IN THE SECOND INSTANCE, I MUST ALSO POINT OUT THAT IN THREE OF THE PAIRS OF DIVIDED SPOUSES, BOTH SPOUSES WERE ORIGINALLY CITIZENS OF ONE COUNTRY, BUT ONE HAS BECOME A CITIZEN OF ANOTHER, AND IT IS IN THE LATTER THAT BOTH HAVE CHOSEN TO BE REUNITED. THE FINAL ACT CALLS FOR FAVORABLE ACTION IN SUCH CASES, TOO. ONE OF THESE COUPLES, ANATOLY AND GALINA MICHELSON, HAVE NOW BEEN HELD APART FOR THIRTY YEARS. WHEN STATES ARE POWERFUL, INTERNATIONAL IN THEIR REACH AND SCOPE, SECURE, MATURE -- SUCH STATES ACQUIRE NEW REASONS FOR SHOWING A POSITIVE SPIRIT ALSO IN SUCH CASES.

BERN MIGHT WELL MARK A NEW BEGINNING IN AT LEAST THIS ONE TYPE OF CASE, OF SUCH NUMERICAL SIMPLICITY. THEREFORE, MR. CHAIRMAN, CAN WE NOT RECOMMEND THAT ALL THE GOVERNMENTS SIGNATORY TO THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT CELEBRATE THE BERN MEETING BY RESOLVING THE RELATIVELY FEW CASES ON THE REPRESENTATION LISTS OF ALL OF US? CAN WE NOT WIPE THE SLATE CLEAN? LET THESE FEW PAINFULLY SEPARATED MEN AND WOMEN COME AT LAST TOGETHER. LET THERE BE PEACE IN THIS SMALL NUMBER OF HUMAN COUPLES -- AS A SYMBOL OF THE WIDER PEACE WE ALL SEEK. LET THERE COME FROM BERN A HARBINGER FOR ALL THE WORLD TO SEE AND TO ADMIRE.

THIS WOULD BE BUT A MODEST GESTURE, MR. CHAIRMAN. MY DELEGATION RECOMMENDS IT TO THE CONSIDERATION OF ALL THE DELEGATES GATHERED HERE IN BERN. THIS SPRING IN BERN, WE ARE MAKING A NEW BEGINNING. HERE ALL OF US ARE PLEDGING THAT OUR NATIONS WILL DO BETTER IN COMPLIANCE WITH THE HELSINKI FINAL ACT. WHAT WOULD CONSTITUTE A BETTER STARTING PLACE? THE NUMBERS OF CASES ARE SMALL, AND LOVE BETWEEN MARRIED PERSONS TOUCHES HUMAN HEARTS EVERYWHERE. MY DELEGATION WOULD WELCOME -- AND FULLY PRAISE -- ALL STEPS MADE IN THIS DIRECTION. A SMALL GESTURE, WE WOULD REGARD IT AS QUITE SIGNIFICANT: WIPING THE SLATE CLEAN, FOR MERCY'S SAKE, IN THE NAME OF A NEW BEGINNING IN THE FIELD OF HUMAN CONTACTS.

STATEMENT BY MICHAEL NOVAK
HEAD, U.S. DELEGATION, BERN HCEM, APRIL 24

RESPONSE TO SOVIET CHARGES OF APRIL 23

1. CHARGE: U.S. PLENARY STATEMENT OF TUESDAY, APRIL 22, SLANDERED THE SOVIET UNION.

-- FACTS: THE U.S. SPEECH CRITICIZED CERTAIN ASPECTS OF SOVIET EMIGRATION POLICY AS CONTRARY TO SOVIET UNDERTAKINGS AT HELSINKI AND MADRID. TO CRITICIZE THE SOVIET UNION IS NOT TO SLANDER IT. TO PROVE SLANDER, ONE MUST PROVE UNTRUTH. NO ONE HAS BEEN ABLE TO SHOW EVEN A GLIMMER OF UNTRUTH IN WHAT I HAVE SAID. ALTHOUGH THE TRUTH SOMETIMES HURTS, I DID NOT INTEND TO CAUSE HURT.

2. CHARGE: THE U.S. IS GUILTY OF MASS MURDER IN LIBYA.

-- FACTS: THE U.S. GOVERNMENT DEEPLY REGRETS ANY LOSS OF CIVILIAN LIFE IN LIBYA AS A RESULT OF THE U.S. RETALIATORY RAID. EVERY ATTEMPT WAS MADE TO AVOID THE LOSS OF INNOCENT LIVES. THIS POLICY SHARPLY CONTRASTS WITH SOVIET BEHAVIOR IN AFGHANISTAN, WHERE THE INDISCRIMATE KILLING OF CIVILIANS HAS BEEN SOVIET POLICY SINCE DECEMBER 1979.

3. CHARGE: DEFYING BILLIONS OF ORDINARY PEOPLE, THE U.S. SET OFF ANOTHER UNDERGROUND EXPLOSION ON THE SAME DAY AS THE U.S. PLENARY SPEECH.

-- FACTS: THE SOVIET PROPOSAL OF A NUCLEAR WEAPONS TESTING MORATORIUM WAS A TYPICAL SOVIET PROPAGANDA PLOY. THE SOVIET UNION PROPOSED THE MORATORIUM AFTER COMPLETING THEIR LATEST SERIES OF UNDERGROUND TESTS. THE SOVIET UNION, AS OTHER NUCLEAR POWERS, CONDUCTS SUCH TESTS TO ASSURE THE RELIABILITY OF THEIR SYSTEMS. IN PROPOSING THE MORATORIUM, THEY HOPED TO PRESENT US WITH THE FOLLOWING DILEMNA. IF WE AGREE TO THE MORATORIUM THEY GAIN A UNILATERAL MILITARY ADVANGTAGE, SINCE WE HAVE NOT COMPLETED OUR SERIES OF TEST, DESIGNED TO ENSURE THE RELIABILILY OF OUR SYSTEMS. IF WE DON'T AGREE, THEY CAN USE THE FACT IN THE SORT OF PROPAGANDA CAMPAIGN THEY ARE NOW WAGING.

4. CHARGE: THE U.S. IS CONDUCTING A POLICY OF RACIAL DISCRIMINATION AND GENOCIDE AGAINST AMERICAN INDIANS, INCLUDING FORCED STERILIZATION OF INDIAN WOMEN.

-- FACTS: THE STORY ABOUT MASS STERILIZATION OF INDIAN WOMEN IS SPUN OUT OF THE ALLEGATION BY AN AMERICAN ANTI-ABORTION GROUP THAT THE INDIAN HEALTH SERVICE, A GOVERNMENT AGENCY, WAS PERFORMING VOLUNTARY STERILIZATION OPERATIONS. THE ANTI-ABORTION GROUP BELIEVED THAT GOVERNMENT AGENCIES, OPERATING WITH TAXPAYER'S FUNDS, SHOULD NOT PERFORM STERILIZATIONS FOR WHICH THERE WERE NO SOUND MEDICAL GROUNDS. AT ANY RATE, THE CHARGE WAS INVESTIGATED AND FOUND GROUNDLESS. NOT EVEN A VOLUNTARY STERILIZATION PROGRAM EXISTED. BUT THAT SEEMS NOT TO HAVE STOPPED SOVIET AUTHORITIES FROM PICKING UP THE ORIGINAL FALSE REPORT, EMBELLISHING IT AND USING IT IN THEIR ANTI-U.S. PROPAGANDA CAMPAIGNS.

-- WE READILY CONCEDE THAT RACIAL DISCRIMINATION EXISTED IN THE U.S. FOR A LONG TIME, AND THAT RACIAL AND ETHNIC ANTAGONISMS STILL EXIST. THE ECONOMIC AND SOCIAL EFFECTS OF THAT HISTORY ARE VISIBLE TODAY, DESPITE THE ABOLITION OF ALL FORMS OF OFFICIALLY-SANCTIONED DISCRIMINATION BASED ON ANCESTRY. THE FACT THAT A MAJORITY OF RECENT IMMIGRANTS TO THE UNITED STATES ARE NONWHITES FROM NON-EUROPEAN AREAS AND THAT THEY HAVE INTEGRATED INTO OUR SOCIETY AT A TRULY AMAZING SPEED IS CLEAR EVIDENCE OF THE STRENGTH OF THE WELL-RECOGNIZED AMERICAN ACCEPTANCE OF A VARIETY OF ETHNIC GROUPS INTO OUR SOCIAL AND ECONOMIC SYSTEM.

5. CHARGE: TIME MAGAZINE OF MAY 6, 1985 STATES THAT IN THE LAST 20 YEARS DOZENS OF THOUSANDS OF PEOPLE HAVE BEEN DENIED ENTRY INTO THE UNITED STATES UNDER THE MCCARRAN-WALTER LAW. AMONG THEM ARE A NOBEL LAUREATE GABRIEL GARCIA MARKES AND MANY OTHER WORLD RENOWED FIGURES.

-- FACTS: THE MCCARRAN-WALTER LAW REFERRED TO BY THE DISTINGUISHED SOVIET DELEGATE IS, IN FACT, NOTHING MORE THAN THE U.S. IMMIGRATION AND NATIONALITY ACT OF 1952, AS AMENDED. THIS ACT, AS AMENDED, IS THE BASIC U.S. LAW ON IMMIGRATION AND CITIZENSHIP. THIS ACT INCLUDES CRITERIA FOR ELIGIBILITY FOR THE GRANTING OF TOURIST AND OTHER NON-IMMIGRANT VISAS. IN ORDER TO QUALIFY FOR SUCH VISAS, FOREIGN APPLICANTS MUST SATISFY A U.S. CONSULAR OFFICER THAT THEY DO NOT INTEND TO IMMIGRATE TO THE UNITED STATES. WE DO NOT GIVE NON-IMMIGRANT VISAS TO IMMIGRANTS. IMMIGRANTS REQUIRE IMMIGRANT VISAS. WE DO NOT HAVE A COPY OF THE TIME MAGAZINE ISSUE QUOTED BY THE DISTINGUISHED SOVIET REPRESENTATIVE, BUT WE ARE CERTAINLY WILLING TO ADMIT THAT OVER 12,000 PEOPLE WORLD WIDE HAVE BEEN REFUSED TOURIST VISAS OVER THE PAST 20 YEARS.

-- OF COURSE, IN LINKING THE FIGURE OF DOZENS OF THOUSANDS OF REFUSALS TO THE REFUSAL OF A VISA TO GABRIEL GARCIA MARQUES THE DISTINGUISHED SOVIET REPRESENTATIVE IS ENGAGING IN A TYPICAL PIECE OF SOVIET DISINGENUOUSNESS. THE IMPLICATION OF HIS STATEMENT IS THAT DOZENS OF THOUSANDS OF PERSONS LIKE MARQUES HAVE BEEN DENIED FOR POLITICAL REASONS OVER THE PAST TWO DECADES. IN TRUTH, THERE ARE 3 PROVISIONS OF THE U.S. IMMIGRATION AND NATIONALITY ACT PROVIDING FOR DENIAL ON POLITICAL GROUNDS. LETS LOOK AT THE REFUSAL FIGURES FOR THOSE PROVISIONS FOR 1985. UNDER SECTION 212 (A) (27) OF THE ACT 27 PEOPLE WERE REFUSED, UNDER SECTION 212 (A) (28), APPROXIMATELY 300 PERSONS WERE DENIED ENTRY. THESE CONSISTED ALMOST ENTIRELY OF SO-CALLED TRADE UNION OFFICIALS FROM COMMUNIST COUNTRIES, MEMBERS OF THE PLO AND TERRORIST ORGANIZATIONS, AND NAZI ORGANIZATIONS. UNDER SECTION 212 (A) (29) OF THE ACT 10 PERSONS WERE DENIED ENTRY.

-- AS FOR GABRIEL GARCIA MARQUES, MR. MARQUES HAS NEVER BEEN REFUSED ADMISSION TO THE UNITED STATES. HOWEVER, SINCE HE IS A MEMBER OF THE WORLD PEACE COUNCIL, A COMMUNIST FRONT ORGANIZATION, HE IS REQUIRED UNDER SECTION 212 (A) (28) TO OBTAIN A WAIVER TO ENTER THE UNITED STATES. UNDER TERMS OF THE MCGOVERN AMENDMENT THESE WAIVERS MUST BE GRANTED TO ALL BUT MEMBERS OF COMMUNIST TRADE UNION MEMBERS, MEMBERS OF THE PLO AND MEMBERS OF TERRORIST ORGANIZATIONS. IN 1985, 47,853 PERSONS REQUIRED WAIVERS; AS NOTED ABOVE, ALL BUT 300 WERE GRANTED. MR. MARQUES HAS ALWAYS BEEN GRANTED A WAIVER.

6. CHARGE: "WHAT OTHER COUNTRY COULD THINK OF MAKING UP FOR THE OLYMPIC GAMES - A MOST ANCIENT FORM OF HUMAN CONTACTS - A PIN WHICH SAYS "KILL A RUSSIAN."

-- FACTS: WE ARE NOT AWARE OF THE APPEARANCE OF ANY SUCH PINS AT THE 1984 OLYMPIC GAMES. THE IMPLICATION OF THIS STATEMENT IS NOT ONLY THAT SUCH PINS APPEARED BUT THAT THEY WERE PRODUCED BY THE UNITED STATES GOVERNMENT. THE SOVIET UNION WELL KNOWS THAT THIS IS FALSE. PRODUCTION OF SUCH ARTIFACTS IN MY COUNTRY COULD ONLY BE THE WORK OF SMALL GROUPS OF EXTREMISTS WHO ARE CONDEMNED BY THE U.S. GOVERNMENT AND THE OVERWHELMING MAJORITY OF THE AMERICAN PEOPLE. SUCH A PIN IS ABHORRENT TO MY DELEGATION, TO OUR GOVERNMENT, AND TO A VAST MAJORITY OF THE PEOPLE OF THE UNITED STATES.

7. CHARGE: THE FILM ROCKY IV DEPICTS THE SOVIET UNION IN THE IMAGE OF A STUPID IDIOT.

-- FACTS: THE FILM ROCKY IV WAS NOT PRODUCED BY THE U.S. GOVERNMENT BUT BY PRIVATE FILM PRODUCERS, AS IS THEIR RIGHT IN A FREE SOCIETY. THE FILM ROCKY IV AND SIMILAR FILMS DO NOT REFLECT U.S. GOVERNMENT ATTITUDES OR POLICY. THOSE IN OUR DELEGATION WHO HAVE SEEN THAT MOVIE FOUND THE TWO BOXERS PORTRAYED TO BE APPROXIMATELY EQUAL IN INTELLIGENCE. I SHOULD POINT OUT THAT MANY FILMS ARE PRODUCED IN THE UNITED STATES EVERY YEAR BY U.S. FILM MAKERS THAT ARE, TO PUT IT MILDLY, EXTREMELY CRITICAL OF VARIOUS ASPECTS OF U.S. LIFE.

8. CHARGE: WE PICKED AT RANDOM FROM OUR FILES SEVERAL NAMES FROM THE LIST OF 21 COUPLES REFERRED TO IN U.S. PLENARY. ONE IS MIKHALINA BALABAN, WIFE OF NAZI COLLABORATOR VICTOR BALABAN.

-- FACTS: THE U.S. DELEGATION HAS NO INFORMATION ON VICTOR OR MIKHALINA BALABAN, SO WE DO NOT WISH TO PREJUDGE THEIR CASE, IF THERE IS SUCH A CASE. BUT WE DO HAVE A CURRENT EDITION OF OUR OFFICIAL DIVIDED SPOUSES LIST CONTAINING NAMES OF 21 SEPARATED SPOUSES. NO SUCH NAME APPEARS ON THAT LIST, OR ON THE OTHER TWO OFFICIAL BILATERAL LISTS, OF DIVIDED FAMILIES AND DUAL NATIONALS, MAINTAINED BY THE U.S. GOVERNMENT. WE WOULD BE HAPPY TO SHARE THESE LISTS WITH THE SOVIET DELEGATION AT THEIR REQUEST.

9. CHARGE: THE U.S. MAY NOT KNOW THAT ANATOLIY MICHELSON, HUSBAND OF DIVIDED SPOUSE GALINA GOLTZMAN, MENTIONED IN U.S. PLENARY, IS A CRIMINAL AND THAT IS WHY HIS WIFE HAS BEEN DENIED.

-- FACTS: THE U.S. GOVERNMENT IS WELL AWARE OF THE CIRCUMSTANCES OF MR. MICHELSON'S DEPARTURE, THAT HE VIOLATED THE LAWS OF THE SOVIET UNION BY SEEKING REFUGEE STATUS IN AUESTRIA AFTER LEGALLY DEPARTING FROM THE SOVIET UNION. WE ARE ALSO AWARE OF AT LEAST TWO OTHER CASES IDENTICAL TO MR. MICHELSON'S IN WHICH THE FAMILY MEMBERS IN THE SOVIET UNION WERE SUBSEQUENTLY ALLOWED TO LEAVE. WE WELCOMED THESE DECISIONS BY THE SOVIET GOVERNMENT AND HOPE THEY WILL BE MOTIVATED BY SIMILAR HUMANE CONSIDERATIONS IN THE CASE OF THE MICHELSON'S, WHO HAVE BEEN SEPARATED NOW FOR THIRTY YEARS.

10. CHARGE: THE U.S. DISTORTS THE FACTS ON FAMILY REUNIFICATION. BETWEEN 1980 AND 1985 OVER 6,733 SOVIET CITIZENS LEFT TO BE REUNITED WITH RELATIVES IN THE SOVIET UNION.

-- FACTS: OUR OWN RECORDS INDICATE THAT FOR THE PERIOD 1980-85 AS A WHOLE THIS SOVIET STATISTIC IS APPROXIMATELY CORRECT. HOWEVER, IT IS EXTREMELY MISLEADING. OUR RECORDS INDICATE THAT OVER 8 THOUSAND SOVIET CITIZENS, MOSTLY ARMENIANS, EMIGRATED TO THE U.S. IN 1980-81. IN 1982, HOWEVER, THAT FIGURE DROPPED TO 490, IN 1983 TO 420, IN 1984 TO 181 AND IN 1985 TO 151. THUS, THE PERIOD CITED BY THE DISTINGUISHED SOVIET REPRESENTATIVE AS INDICATIVE OF SOVIET RESPONSIVENESS ON FAMILY REUNIFICATION IS RATHER A PERIOD OF PRECIPITOUS DECLINE IN SOVIET RESPONSIVENESS. ONLY THIS YEAR, AS A RESULT OF SOVIET RESOLUTION OF CASES IN CONJUNCTION WITH THE GENEVA SUMMIT, HAVE THESE NUMBERS BEGAN TO INCREASE ONCE AGAIN.

11. CHARGE: STATE DEPARTMENT REPORTS OR FOREIGN AFFAIRS MANUAL FOR 1985 CONTAIN A LIST OF CATEGORIES OF PERSONS WHO ARE NOT ALLOWED TO EXIT FROM THE U.S. INCLUDES PERSONS EVADING DEBTS, TAXES AND ALIMONIES; PERSONS WANTED BY THE POLICE, INVESTIGATION AGENCIES AND JUDICIAL AUTHORITIES; PERSONS INVOLVED IN DRUG TRAFFICKING, FORGERY OF PASSPORTS AND OTHER PAPERS. LIST ALSO INCLUDES PERSONS WHOSE NAMES HAVE BEEN PUT ON MYSTERIOUS "ORANGE" CARDS.

-- FACTS: MY DELEGATION DOES NOT KNOW WHERE THE DISTINGUISHED SOVIET REPRESENTATIVE OBTAINED HIS INFORMATION. WE WOULD BE CURIOUS TO FIND OUT. LET ME ASSURE HIM, HOWEVER, THAT THERE ARE NO REGULATIONS PROHIBITING U.S. CITIZENS FROM DEPARTING FROM THE UNITED STATES. WE REQUIRE NO EXIT VISAS OF OUR CITIZENS. U.S. CITIZENS SERVING PRISON SENTENCES, OF COURSE, CANNOT LEAVE THE U.S. WHILE SERVING THEIR SENTENCES. PRESUMABLY THIS IS THE CASE WITH ALL COUNTRIES REPRESENTED HERE. THE ONLY OTHER CIRCUMSTANCE IN WHICH A U.S. CITIZEN CAN BE PROHIBITED FROM LEAVING THE COUNTRY IS UNDER A COURT ORDER LIMITING THE TRAVEL OF A SUSPECT RELEASED FROM DETENTION ON BAIL OR ON PROBATION, OR OF A PERSON WHO IS A FUGITIVE FROM JUSTICE. WE SUSPECT THIS IS ALSO THE CASE WITH MOST, IF NOT ALL, COUNTRIES REPRESENTED HERE.

-- THE MYSTERIOUS ORANGE CARDS REFERRED TO BY THE SOVIET DELEGATE ARE PASSPORT LOOKOUT CARDS. THEY CONTAIN THE NAMES OF U.S. CITIZENS WHO ARE FUGITIVES FROM JUSTICE. U.S. PASSPORT AGENCIES IN THE U.S. HAVE THE RIGHT TO WITHHOLD PASSPORT SERVICES FROM PERSONS WHO ARE THE SUBJECTS OF OUTSTANDING CRIMINAL WARRENTS IN THE U.S. WE ASSUME THAT MOST, IF NOT ALL, COUNTRIES REPRESENTED HERE HAVE SIMILAR MECHANISMS FOR LOCATING AND ATTEMPTING TO LIMIT THE TRAVEL OF FUGITIVES FROM JUSTICE.

FAMILY REUNIFICATION

AMBASSADOR MICHAEL NOVAK
HEAD, U.S. DELEGATION

PLENARY SESSION
APRIL 24, 1986

- PRELIMINARY MATTERS -

MR. CHAIRMAN, BEFORE LAUNCHING INTO THE FORWARD-LOOKING POINTS I WANT MOST TO MAKE, I MUST FIRST COMPLETE A DISAGREEABLE TASK.

IN THE UNITED STATES WE PLAY A GAME CALLED HORSESHOES. A ONE-INCH IRON ROD IS SET IN THE GROUND, SURROUNDED BY A PIT FILLED WITH SAND OR SAWDUST. FROM AN APPROPRIATE DISTANCE, THE COMPETITORS TOSS IRON HORSESHOES AT THE ROD. POINTS ARE SCORED FOR RINGING THE HORSESHOE AROUND THE ROD, AND EVEN FOR COMING CLOSE.

MR. CHAIRMAN, YESTERDAY THE DISTINGUISHED DELEGATE FROM THE SOVIET UNION TOSSED SEVERAL IRON HORSESHOES AT THE UNITED STATES. WE LISTENED TO EVERY CHARGE CAREFULLY. NONE RANG THE IRON ROD. ALL MISSED THE PIT COMPLETELY. MOST DO NOT COME UNDER OUR MANDATE FOR THIS MEETING, AND SO I WOULD PREFER TO SAVE US ALL TIME BY ANSWERING THEM IN WRITTEN FORM, TO BE DISTRIBUTED TO ALL DELEGATIONS. CONCERNING THOSE THAT ARE GERMANE, THOUGH NOT QUITE CORRECTLY STATED, ALLOW ME TO MAKE THE FOLLOWING POINTS:

-- THE DISTINGUISHED SOVIET REPRESENTATIVE STATED THAT DOZENS OF THOUSANDS OF PEOPLE HAVE BEEN DENIED ENTRY INTO THE UNITED STATES UNDER THE MCCARREN-WALTER LAW. IN INVOKING IN THIS CONTEXT THE NAME OF GABRIEL GARCIA MARQUES, A MEMBER OF THE WORLD PEACE COUNCIL, A SOVIET FRONT ORGANIZATION, HE SOUGHT TO INSINUATE THAT THESE PEOPLE WERE REFUSED ON POLITICAL GROUNDS. IN 1985, HOWEVER, A TYPICAL YEAR, ONLY 330 PEOPLE, MANY OF THEM MEMBERS OF TERRORIST OR NAZI ORGANIZATIONS, WERE DENIED ENTRY ON SUCH GROUNDS. GABRIEL GARCIA MARQUES HAS NEVER BEEN DENIED ENTRY INTO THE U.S.

-- NO AMERICAN CITIZEN CAN BE PROHIBITED FROM LEAVING THE COUNTRY, AND NO EXIT VISA WHATEVER IS REQUIRED. THE SOLE EXCEPTION APPLIES TO THOSE FOR WHOM A COURT ORDER HAS BEEN SPECIFICALLY ISSUED BECAUSE A CRIMINAL WARRANT HAS BEEN ISSUED, OR BECAUSE OF BEING ON BAIL OR ON PROBATION AFTER CONVICTION FOR A CRIME. THE ORANGE CARDS FLAG CITIZENS FOR WHOM CRIMINAL WARRANTS HAVE BEEN ISSUED.

-- NO U.S. REPRESENTATION LIST BEARS THE NAMES VICTOR OR MIKHALINA BALABAN: NOT OUR LIST ON DIVIDED SPOUSES, NOR OUR LIST ON DIVIDED FAMILIES, NOR OUR LIST ON DUAL NATIONALS.

-- IN PRESENTING THE NAME OF ANATOLY AND GALINA MICHELSON, THE U.S. IS WELL AWARE BOTH OF THE CIRCUMSTANCES MENTIONED BY THE DISTINGUISHED DELEGATE -- AND ALSO OF THE FACT THAT IN AT LEAST TWO OTHER SIMILAR CASES, THE USSR HAS, AFTER A TIME, ACTED IN A HUMANE SPIRIT. THE MICHELSONS HAVE NOW BEEN SEPARATED SINCE 1956. THIRTY YEARS.

RIGHT OFF THE TOP, MR. CHAIRMAN, ALLOW ME TO PRAISE THE SOVIET UNION, BEFORE CRITICIZING IT. IT HAS BEEN SUGGESTED IN THIS ROOM THAT NO ONE HERE PRAISES THE SOVIET UNION ENOUGH. ALTHOUGH SUCH A TASK CAN BE BOTTOMLESS, OUR DELEGATION CONSIDERS THAT THE NEED FOR MODERATE AMOUNTS OF PRAISE IS NORMAL. ALTHOUGH WE SAVE OUR HIGHEST ADMIRATION FOR THOSE STATES THAT DELIGHT IN ACCEPTING CRITICISM, WE DO BELIEVE THAT THOSE TO WHOM PRAISE IS IN SOME MEASURE DUE OUGHT TO RECEIVE IT IN THAT MEASURE. FOR EVERY CASE HANDLED ROUTINELY, ACCORDING TO INTERNATIONAL LAW, ACCORDING TO INTERNATIONAL COMMITMENTS, AND WITH RESPECT FOR THE DECENT OPINION OF HUMANKIND, THE SOVIET UNION DESERVES PRAISE. WE ARE GLAD TO PRAISE THEM FOR COMPLIANCE. WE WOULD BE HAPPY TO PRAISE THEM MORE.

TODAY, MY SUBJECT IS FAMILY UNITY -- THAT IS, IN CSCE LANGUAGE, FAMILY REUNIFICATION. IT IS A SAD BUT UNDENIABLE FACT, IN SUCH A BROKEN WORLD AS OURS, THAT FAMILIES, TOO, ARE SOMETIMES BROKEN. FAMILY MEMBERS LEAVE THE COUNTRIES OF THEIR

BIRTH FOR A NEW LAND AND A NEW LIFE. THEY HOPE TO SEND FOR THEIR LOVED ONES AT A LATER DATE. THIS WAS HOW MY GRANDFATHER CAME TO A NEW LAND, AND MILLIONS UPON MILLIONS OF OTHERS IN TIMES EARLIER AND LATER. IN MOST COUNTRIES, AT MOST TIMES, THIS HOPE OF FAMILY REUNIFICATION HAS BEEN REALIZED. BUT IN SOME COUNTRIES, AT SOME TIMES, HOPES ARE OFTEN DASHED. SOME COUNTRIES DO NOT ACCORD THEIR CITIZENS THE BASIC RIGHT TO LEAVE THEIR COUNTRY. THEY ACCORD THEM THE DUTY TO STAY. IN THESE COUNTRIES, ALL TOO OFTEN, FAMILY MEMBERS WHO WISH TO LEAVE TO REUNITE WITH THEIR CLOSE RELATIVES, TO LIVE AGAIN AS FATHERS AND SONS, SISTERS AND BROTHERS, ARE NOT PERMITTED TO DO SO. THEY ARE HELD AGAINST THEIR WILL.

RECOGNIZING THIS PROBLEM, HOPING TO PUT AN END TO IT, THE FOUNDING FATHERS OF CSCE MADE IT OBLIGATORY TO "DEAL IN A POSITIVE AND HUMANITARIAN SPIRIT WITH APPLICATIONS OF PERSONS WHO WISH TO BE REUNITED WITH MEMBERS OF THEIR FAMILY."

ELEVEN YEARS HAVE PASSED SINCE THIS OBLIGATION WAS MUTUALLY ACCEPTED. WE HAVE NOW GATHERED TOGETHER AT THIS MEETING OF EXPERTS ON HUMAN CONTACTS TO ASSESS THE EXTENT TO WHICH IT HAS BEEN HONORED.

SINCE THE LATE 1950'S MY COUNTRY HAS MAINTAINED REPRESENTATION LISTS OF DIVIDED FAMILIES. THESE LISTS CONTAIN THE NAMES OF FAMILY MEMBERS WHO HAVE BEEN DENIED PERMISSION TO LEAVE THEIR COUNTRIES TO REUNITE WITH LOVED ONES IN THE UNITED STATES. THEY ARE PRESENTED TO REPRESENTATIVES OF THE COUNTRIES CONCERNED ON A REGULAR BASIS, USUALLY AT HIGH-LEVEL MEETINGS. INDIVIDUAL CASES FROM THESE LISTS ARE ALSO REGULARLY PRESENTED BILATERALLY AT THE DIPLOMATIC WORKING LEVEL.

WE KNOW THAT MANY COUNTRIES REPRESENTED HERE HAVE MAINTAINED AND PRESENTED SIMILAR LISTS. WE KNOW THAT ELEVEN YEARS AFTER HELSINKI, THERE HAS BEEN SOME IMPROVEMENT IN SEVERAL COUNTRIES. BUT MANY DOZENS OF FAMILIES, MANY ORDINARY PEOPLE, STILL REMAIN DIVIDED. ALAS, LISTS MUST STILL BE

MAINTAINED. ALAS, AGAIN, THE COUNTRIES TO WHOM WE PRESENT THESE LISTS ARE INVARIABLY THE SAME. THESE ARE COUNTRIES FROM WHICH ORDINARY PEOPLE DO NOT HAVE THE RIGHT TO LEAVE; ON THEM, IT SEEMS, IS IMPOSED A DUTY TO STAY.

ONE SUCH COUNTRY IS THE LARGEST COUNTRY REPRESENTED HERE, THE UNION OF SOVIET SOCIALIST REPUBLICS. IN HIS OPENING ADDRESS, THE DISTINGUISHED SOVIET DELEGATE TOLD US THAT NO ONE IN HIS COUNTRY HAD ANY REASON TO LEAVE, SINCE THE SOVIET UNION GUARANTEED EMPLOYMENT, HOUSING, MEDICAL CARE AND SOCIAL SECURITY. THIS MIGHT BE TRUE, MR. CHAIRMAN, IF HUMANS LIVED BY BREAD ALONE. IT MIGHT BE TRUE, IF ALL SHARED RIGHTS AND PRIVILEGES EQUAL TO THOSE OF THE NOMENKLATURA. BUT EVEN IN MATERIAL TERMS, IT DOES SEEM A LITTLE DISINGENUOUS, WHEN APPLIED TO A NATION THAT EXHIBITS SO MANY PAINFUL SOCIAL AND ECONOMIC PROBLEMS, MANY OF THEM ADMITTED BY SOVIET LEADERSHIP.

NONETHELESS, MR. CHAIRMAN, IT WOULD SEEM PERFECTLY NATURAL FOR A LARGE MAJORITY OF CITIZENS OF HIS COUNTRY, OR ANY OTHER, TO HAVE NO WISH TO LEAVE IT. NORMALLY, ORDINARY PEOPLE LOVE THEIR COUNTRY. THEY LEAVE THEIR COUNTRY WITH REGRET, AND THEY RETAIN FOREVER A CERTAIN LONGING FOR IT. IN THE REGIONS OF THE HEART, NO PLACE REPLACES "HOME." ON THE OTHER HAND, CITIZENS WHO LEAVE ONE COUNTRY FOR ANOTHER BECOME IMPORTANT BONDS OF LANGUAGE, MEMORY AND LOVE BETWEEN TWO PEOPLES. THEY LIVE OUT IN ADVANCE HARMONY AND MUTUAL RESPECT BETWEEN TWO CULTURES. MR. CHAIRMAN, THE USA AND THE USSR WOULD BENEFIT BY MANY MORE SUCH HUMAN BONDS. WE NEED SUCH HUMAN LINKS.

FOR THIS REASON, THE UNITED STATES WOULD LIKE TO SEE FAMILY REUNIFICATION LINKS BETWEEN OUR TWO COUNTRIES BECOME AS NORMAL AND EASY AS OURS ARE WITH OTHER COUNTRIES. THAT IS WHY, LONG BEFORE HELSINKI, THE UNITED STATES GOVERNMENT FIRST PRESENTED A DIVIDED FAMILY REPRESENTATION LIST TO THE SOVIET UNION IN 1959. WE HAVE DONE SO SUBSEQUENTLY ON AT LEAST 25 SEPARATE OCCASIONS. ON THESE LISTS ARE FOUND ONLY THOSE FAMILY MEMBERS WHO HAVE BEEN REFUSED PERMISSION TO EMIGRATE FROM THE SOVIET UNION TWICE OR MORE.

AT PRESENT, THERE ARE ONLY 125 FAMILIES ON OUR LIST, REPRESENTING MORE THAN 450 PERSONS. THESE NUMBERS ARE ABOUT AVERAGE FOR THE LIST OVER THE YEARS, AS CASES HAVE SLOWLY BEEN RESOLVED AND NEW ONES ADDED. IN A SIGNIFICANT NUMBER OF CASES EVERY YEAR, SOVIET AUTHORITIES MOVE AT NORMAL SPEED AND REQUESTS ARE DULY GRANTED. BUT THE FLOW DOES SEEM TO BE CONTROLLED, FOR POLITICAL REASONS, AS WE HAVE HEARD EXPRESSED IN THIS ROOM.

IN THE MID AND LATE 1970S, FOR EXAMPLE, MANY MORE FIRST TIME REQUESTS FOR FAMILY REUNIFICATION WERE GRANTED THAN DENIED. THIS WAS THE TIME OF THE GREATEST LIBERALIZATION IN SOVIET EMIGRATION POLICY. DURING THE PERIOD 1975-1980, MOST OF THE FAMILIES INVOLVED WERE FROM SOVIET ARMENIA. ARMENIAN FAMILY REUNIFICATION REACHED A PEAK IN 1980 WHEN OVER 6,000 SOVIET CITIZENS WERE GRANTED EXIT PERMISSION TO EMIGRATE TO THE UNITED STATES.

THE SITUATION HAS CHANGED DRAMATICALLY SINCE THEN. AFTER 1980, THE NUMBER OF SOVIETS GRANTED EXIT PERMISSION FOR FAMILY REUNIFICATION HAS STEADILY DECLINED. FROM MORE THAN 8,000 IN 1980 AND 1981 TOGETHER, THE NUMBER FELL TO 490 IN 1982. THE NUMBERS FOR THE NEXT THREE YEARS FELL FROM 420 TO 181 TO 151.

(INCIDENTALLY, THE DISTINGUISHED DELEGATE OF THE USSR TOLD US YESTERDAY THAT DURING THE YEARS 1980-1985, THE USSR GAVE EXIT VISAS TO 6,773 PERSONS. ACTUALLY, THE U.S. FIGURES OF CASES ACTUALLY PROCESSED BY OUR MOSCOW EMBASSY GIVE THE SOVIETS GREATER CREDIT THAN THAT. OUR EMBASSY'S COUNT SHOWS MORE THAN 9,000. BUT 8,000 OF THESE WERE IN 1980 AND 1981, AND SINCE THEN ONLY A TRICKLE.)

A SOMEWHAT DIFFERENT CURVE DESCRIBES THE RESOLUTION OF CASES ON OUR REPRESENTATION LIST FOR DIVIDED FAMILIES. DURING THE MID-1970S, SOVIET AUTHORITIES RESOLVED ANNUALLY BETWEEN 25 AND 30 PERCENT OF CASES. IN THE LATE 1970S THIS PERCENTAGE SHRANK TO 15 TO 20 PERCENT. BETWEEN 1981 AND THE EVE OF THE

GENEVA SUMMIT THE PERCENTAGE PLUMMETED TO LESS THAN 5 PERCENT PER YEAR. RECENTLY, HOWEVER, IN THE WAKE OF THE GENEVA SUMMIT, THIS TREND HAS BEEN REVERSED. SINCE THE EVE OF THE SUMMIT, SOVIET AUTHORITIES HAVE AGREED TO RESOLVE 15 PERCENT OF ALL CASES ON OUR PRE-SUMMIT DIVIDED FAMILY LIST.

MR. CHAIRMAN, WE HAVE BEEN TOLD MORE THAN ONCE THAT WE MUST RECOGNIZE A LINK BETWEEN HOW THE SOVIETS SEE "DETENTE" AND SOVIET ACTION ON FAMILY REUNIFICATION APPLICATIONS. THE IMPLICATION IS THAT THE SOVIETS DELIBERATELY USE FAMILY REUNIFICATION AS AN INSTRUMENT OF FOREIGN POLICY. LET ME OBSERVE ONLY THAT THE HELSINKI FINAL ACT SAYS THAT "THE PARTICIPATING STATES WILL DEAL IN A POSITIVE AND HUMANITARIAN SPIRIT WITH APPLICATIONS OF PERSONS WHO WISH TO BE REUNITED WITH MEMBERS OF THEIR FAMILY." IT DOES NOT SAY THAT THE PARTICIPATING STATES WILL DEAL IN A POSITIVE AND HUMANITARIAN SPIRIT WITH SUCH APPLICATIONS, DEPENDING UPON POLITICAL CONSIDERATIONS.

MR. CHAIRMAN, THERE SEEMS TO BE A DIFFERENCE OF PRINCIPLE HERE. THE SOVIETS HOLD -- IF I UNDERSTAND THEIR POSITION CORRECTLY -- THAT ALL HUMAN CONTACTS OUGHT TO BE REGARDED AS IN A BALANCE WITH "DETENTE:" SO MUCH DETENTE, SO MANY FAMILY REUNIFICATION CASES. IMPROVE DETENTE, IMPROVE THE NUMBERS OF CASES RESOLVED. IF THAT IS THE SOVIET POSITION, MR. CHAIRMAN, THE REASONS I GAVE AGAINST IT TWO DAYS AGO STAND. IN OUR VIEW -- AND IN THE EXACT WORDS OF THE HELSINKI FINAL ACT UPON THIS POINT -- THE PRINCIPLE IS QUITE DIFFERENT. THE RIGHTS TO FAMILY REUNIFICATION ARE PRIOR TO QUESTIONS OF FOREIGN POLICY. THESE RIGHTS INHERE IN PERSONS. THEY ARE NEITHER GIVEN NOR TAKEN AWAY BY STATES. STATES MUST ACT UPON THESE RIGHTS "IN A POSITIVE AND HUMANITARIAN SPIRIT" -- NOT IN A WAVERING, CONDITIONAL, POLITICAL SPIRIT. THIS SEEMS TO BE THE PLAIN MEANING OF THE TEXT.

AGAIN, MR. CHAIRMAN, THERE IS A CRUCIAL DIFFERENCE BETWEEN FUNDAMENTAL HUMAN RIGHTS, SUCH AS THE RIGHT TO EMIGRATE, AND THE NORMAL COMMERCIAL OR CULTURAL ACTIVITIES OF NORMAL TIMES. THE FIRST MAY NEVER BE ABRIDGED. THE SECOND DO FOLLOW THE RHYTHMS OF INTERNATIONAL LIFE.

PERHAPS, THOUGH, THE DISTINGUISHED DELEGATE OF THE SOVIET UNION WILL DENY THAT SOVIET DECISIONS IN FAMILY REUNIFICATION CASES ARE TAKEN ON THE BASIS OF POLITICS. PERHAPS HE WILL INSIST, RATHER, THAT SOVIET DECISIONS IN SUCH CASES ARE MADE IN STRICT ACCORDANCE WITH SOVIET LAW. WE LISTENED CLOSELY WHEN HE STATED IN HIS OPENING REMARKS TO THIS MEETING: (1) THAT SOVIET LAWS PROHIBIT SOVIET CITIZENS WITH CERTAIN KINDS OF SECURITY ACCESS FROM TRAVELING ABROAD; (2) THAT SOVIET REGULATIONS DEFINING FAMILY RELATIONSHIPS PROHIBIT CERTAIN SOVIET CITIZENS FROM REUNITING WITH FAMILY MEMBERS ABROAD; AND (3) (AS HE STATED LAST WEDNESDAY) THAT THESE LAWS AND REGULATIONS VIOLATE NO HELSINKI COMMITMENT NOR OTHER INTERNATIONAL INSTRUMENT TO WHICH THE SOVIET UNION IS SIGNATORY.

ONE DIFFICULTY MY GOVERNMENT HAS IN ACCEPTING SUCH EXPLANATIONS IS THE EVIDENCE OF THE CASES ON OUR OWN DIVIDED FAMILY LIST. MOST OF THE FAMILIES ON OUR LIST HAVE NEVER BEEN TOLD THE REASONS FOR THEIR REFUSALS, AND WHY THEY ARE NOW BEING KEPT DIVIDED FROM THEIR FAMILIES IN OUR COUNTRY. IT IS DIFFICULT TO DETERMINE WHY THEY HAVE BEEN REFUSED, WHEN NO REASON IS GIVEN, NOT EVEN THE REASONS MENTIONED ABOVE.

IN 13 INSTANCES WHERE WE DO HAVE EVIDENCE OF THE GROUNDS FOR REFUSAL, INSUFFICIENTLY CLOSE FAMILY TIES WERE CITED. IN 8 OF THESE CASES THE RELATIONSHIP INVOLVED WAS THAT OF A PARENT TO AN ADULT CHILD; IN THE OTHER 5, THAT OF A SISTER TO A BROTHER. PERMIT ME TWO COMMENTS. FIRST, OVER THE YEARS THE SOVIET UNION HAS RESOLVED MANY CASES IN THESE CATEGORIES. THEY CONTINUE TO DO SO TO THIS DAY. INDEED, ALMOST ALL FAMILY REUNIFICATION CASES FIT INTO THESE TWO CATEGORIES. SECOND, THE HELSINKI FINAL ACT OBLIGES THE PARTICIPATING STATES "TO DEAL IN

A POSITIVE AND HUMANITARIAN SPIRIT WITH APPLICATIONS OF PERSONS WHO WISH TO BE REUNITED WITH MEMBERS OF THEIR FAMILY." THE PEOPLE IN THESE 13 CASES SO WISH.

IN AT LEAST 8 OTHER INSTANCES, FAMILIES HAVE BEEN REFUSED ON SECURITY GROUNDS. IN GENERAL, MY GOVERNMENT DOES NOT RECOGNIZE AS LEGITIMATE REFUSALS BASED ON SUCH GROUNDS. WE BELIEVE EVERYONE HAS THE RIGHT TO LEAVE HIS COUNTRY IF HE WANTS TO. BUT EVEN IF ONE ALLOWED FOR REFUSAL IN CERTAIN EXTRAORDINARY CASES, WHAT IS THE EVIDENCE IN THE 8 CASES MENTIONED ON OUR LIST?

ONE MAN HAD WORKED AS A SHIP DESIGNER IN LENINGRAD. ALTHOUGH HE DESIGNED ONLY COMMERCIAL SHIPS AND PRIVATE BOATS AND HAD NO CONTACT WITH THE MILITARY, HE WAS GIVEN A SECURITY CLEARANCE MAKING IT ILLEGAL FOR HIM TO LEAVE THE COUNTRY FOR FIVE YEARS AFTER TERMINATION OF HIS EMPLOYMENT. HIS EMPLOYMENT IN FACT ENDED IN 1979, BUT HE IS STILL BEING REFUSED EXIT PERMISSION ON SECURITY GROUNDS.

ANOTHER MAN WORKED AS AN ENGINEER WITH A LOW LEVEL SECURITY CLEARANCE IN A KHARKOV FACTORY THAT MANUFACTURED, AMONG OTHER THINGS, A SMALL PART FOR THE SPACE INDUSTRY. HOWEVER, THE ENGINEER DID NOT WORK IN THAT SECTION OF THE FACTORY, AND HAD NO ACCESS TO IT. THE TERMS OF HIS SECURITY CLEARANCE WERE TO EXPIRE 3 YEARS AFTER HE LEFT HIS EMPLOYMENT. HE LEFT THE EMPLOYMENT IN 1974, BUT HE HAS YET TO OBTAIN EXIT PERMISSION.

A FEMALE ENGINEER AT A SHIP BUILDING PLANT HELD A LOW LEVEL CLEARANCE AND DID NOT WORK IN THE CLASSIFIED AREA OF THE PLANT. SHE LEFT THIS EMPLOYMENT IN 1975 AND APPLIED FOR EXIT PERMISSION IN 1978. SHE WAS REFUSED ON SECURITY GROUNDS, WHICH SHE WAS TOLD WOULD EXPIRE IN 1982. NONETHELESS, 1982 CAME, 1982 WENT, AND STILL SHE CONTINUES TO BE REFUSED ON SECURITY GROUNDS.

THESE LAST TWO CASES, AND INDEED, 4 OF OUR 8 KNOWN REFUSALS ON SECURITY GROUNDS ARE PARTICULARLY INTERESTING IN LIGHT OF GENERAL SECRETARY GORBACHEV'S STATEMENT TO THE FRENCH PRESS BEFORE HIS OCTOBER VISIT TO PARIS. THE GENERAL SECRETARY AFFIRMED THAT PERSONS REFUSED ON SECURITY GROUNDS FOR 5 TO 10 YEARS ARE NOW BEING PERMITTED TO LEAVE. BUT 4 OF THE 8 KNOWN SECURITY REFUSALS ON OUR DIVIDED FAMILY LIST GO BACK MORE THAN 10 YEARS.

OUR ALARM AT THIS APPARENT SOVIET DISREGARD FOR THE ASSURANCES PROVIDED BY THE GENERAL SECRETARY IS TEMPERED SOMEWHAT BY NEW EVIDENCE. THE GENERAL SECRETARY'S STATEMENT TO THE FRENCH PRESS MAY NOW BE BEGINNING TO BE REFLECTED IN ACTUAL SOVIET BEHAVIOR. WE NOTE THAT WHEN THE ABOVE-MENTIONED FEMALE ENGINEER APPLIED FOR EXIT PERMISSION IN JANUARY OF THIS YEAR, SHE WAS NOT REFUSED ON SECURITY GROUNDS. INSTEAD, SHE WAS REFUSED FOR HAVING INSUFFICIENTLY CLOSE FAMILY TIES TO HER MOTHER AND HER BROTHER IN THE UNITED STATES. TO HER MOTHER AND HER BROTHER.

MR. CHAIRMAN, THE RELATIVELY FEW PERSONS ON OUR DIVIDED FAMILY LIST REFUSED ON SO-CALLED SECURITY GROUNDS ARE NOT MISSILE EXPERTS OR INTELLIGENCE AGENTS. THEY ARE ORDINARY PEOPLE, SEPARATED FROM THEIR LOVED ONES, WITH WHOM THEY WISH TO REUNITE. IN THE PAST, THE SOVIET GOVERNMENT HAS ALLOWED OTHER ORDINARY PEOPLE TO LEAVE WHO DIFFER IN NO DETECTABLE RESPECT FROM THOSE NOW ON OUR LISTS. MANY OF THOSE PREVIOUSLY ALLOWED TO LEAVE HAD EARLIER BEEN ON OUR DIVIDED FAMILY LIST, BUT OTHERS HAD BEEN GIVEN EXIT PERMISSION STRAIGHTAWAY. KNOWING THIS, AND KNOWING THESE PERSONS ARE NOT THREATS TO SOVIET SECURITY, PERHAPS WE MAY BE FORGIVEN FOR BEING PUZZLED ABOUT THE TRUE REASONS GOVERNING THESE CASES. THE SOVIET GOVERNMENT WOULD DO MUCH GOOD IN THIS RESPECT IF IT WERE TO MAKE PUBLIC ITS RULES FOR REFUSING EXIT PERMISSION ON SECURITY GROUNDS. PERHAPS THEN WE MIGHT SEE SIGNS OF JUSTICE, WHERE NONE APPEARS NOW.

IN THREE CASES ON OUR DIVIDED FAMILY LIST, WE HAVE A PARTICULAR TRAGEDY. THESE ARE FAMILIES DIVIDED BY ARTIFICIAL DIVORCE. THREE COUPLES WERE TOLD BY SOVIET EMIGRATION AUTHORITIES THAT ONE SPOUSE COULD LEAVE ONLY IF HE OR SHE DIVORCED THE OTHER. ONLY, THAT IS, IF THE FAMILY WERE BROKEN APART. WE UNDERSTAND THAT THERE ARE MANY SIMILAR CASES OF THIS KIND NOT ON OUR LIST, PARTICULARLY IN CASES IN WHICH THE FAMILIES IN QUESTION WERE APPLYING TO GO TO ISRAEL. IN MANY OF THESE CASES, SOVIET EMIGRATION AUTHORITIES ASSURED THE FAMILY THAT THE REMAINING SPOUSE WOULD LATER BE ALLOWED TO LEAVE. TO THIS DAY, THE THREE FAMILIES ON OUR LIST (AND MANY MORE BESIDES) REMAIN SEPARATED, HUSBANDS FROM WIVES, FATHERS FROM CHILDREN. PERHAPS THEY WERE NAIVE IN BELIEVING WHAT THEY WERE TOLD, PERHAPS THEY WERE EVEN INTEMPERATE IN OBEYING WHAT THEY WERE TOLD. BUT WE MUST REMEMBER THE EXTREME CONDITIONS UNDER WHICH THEY ACTED. THESE ARE NOT EVIL COUPLES WHO DESERVE PUNISHMENT. THEY ARE ORDINARY COUPLES, NOW MOST CRUELLY DEALT WITH: SEPARATED, BETRAYED BY AUTHORITIES, ALONE.

IN 11 INSTANCES, MR. CHAIRMAN, FAMILIES ON OUR DIVIDED FAMILY LIST WERE TOLD THEIR APPLICATIONS HAD BEEN REFUSED BECAUSE POSITIVE ACTION WAS "INEXPEDIENT AT THIS TIME" OR DUE TO THE "POOR STATE OF BILATERAL RELATIONS." I WILL MAKE NO SPECIFIC COMMENT ON THESE REASONS, MR. CHAIRMAN, EXCEPT TO EXPRESS PROFOUND MORAL DISAGREEMENT WITH SUCH A PRINCIPLE.

MR. CHAIRMAN, IN LOOKING THROUGH ALL THE 125 CASES ON OUR DIVIDED FAMILY LIST, AND ALL THE VARIOUS REASONS GIVEN FOR REFUSAL, WE ARE STRUCK MORE THAN ANYTHING BY THE ORDINARINESS OF THE PEOPLE INVOLVED. THEY HAVE NO SECRETS, THEY ARE NOT POLITICAL. THEY ARE LIKE MANY OTHERS WHO ALREADY LEFT THE SOVIET UNION. THE ONLY THING REMARKABLE ABOUT THEM IS THE TRAGEDY THEY SUFFER, THROUGH NO FAULT OF THEIR OWN.

MR. CHAIRMAN, THE SOVIET UNION IS NOT THE ONLY STATE WHICH PLACES ARTIFICIAL BARRIERS IN THE WAY OF FAMILY REUNIFICTION. WE HAVE ENCOUNTERED ANALOGOUS PROBLEMS, SOMETIMES IN GREATER, SOMETIMES IN LESSER, DEGREE WITH EACH OF THE COUNTRIES OF EASTERN EUROPE. TODAY, FOR EXAMPLE, ONE OF THESE COUNTRIES NOW SHOWS A TRULY HUMANE SPIRIT IN THE APPLICATION OF ITS LAWS. VIRTUALLY 100 PERCENT OF THE CASES RAISED AT THE WORKING LEVEL ARE RESOLVED WITHIN A SHORT TIME. AT THE OTHER EXTREME, ONE OF THE PARTICIPATING STATES MAKES CLEAR BY THE TIMING OF ITS RESOLUTION OF CASES THAT EXIT VISAS ARE TIED TO POLITICAL CONSIDERATIONS AND NOT TO THE OBJECTIVE QUALIFICATIONS OF THE APPLICANT. STILL ANOTHER EASTERN COUNTRY, DESPITE ALLOWING THE HIGHEST ABSOLUTE LEVELS OF EMIGRATION FOR THE PURPOSE OF FAMILY REUNIFICATION, DOES SO ONLY AFTER AN AVERAGE DELAY OF TWO YEARS FOR EACH APPLICATION, DURING WHICH TIME APPLICANTS ARE STRIPPED OF THEIR JOBS, THEIR SOCIAL RIGHTS AND, FREQUENTLY, THEIR HOMES. AGAIN, THE PROFOUND SYMPATHIES OF OUR GOVERNMENT GO OUT TO THE TURKISH MINORITY IN BULGARIA, PARTICULARLY THOSE WHO SEEK FAMILY REUNIFICATION IN TURKEY. BY ADMINISTRATIVE FIAT, THE BULGARIAN GOVERNMENT HAS SIMPLY DENIED THE POWERFUL FAMILY BONDS BETWEEN BULGARIA AND TURKEY. ON FUTURE OCCASIONS, WE SHALL HAVE MORE TO SAY ABOUT THE HUNDREDS OF FAMILIES IN EASTERN EUROPE WHO ARE KEPT APART FROM THEIR FAMILIES IN THE U.S., WITHOUT CREDIBLE JUSTIFICATION BEING GIVEN. WE HAVE STEADY HOPES, HOWEVER, THAT THIS SITUATION WILL IMPROVE.

MR. CHAIRMAN, I DO NOT WANT TO END THESE REMARKS ON A PESSIMISTIC NOTE. AND I AM PLEASED TO SAY THAT I DO NOT HAVE TO. SINCE THE GENEVA SUMMIT, SOVIET AUTHORITIES HAVE AGREED TO RESOLVE 15 PERCENT OF THE CASES ON OUR DIVIDED FAMILY LIST. THIS HAS BEEN THE LARGEST NUMBER OF PROMISED RESOLUTIONS IN SO SHORT A PERIOD SINCE THE LATE 1970S. THESE COMMITMENTS CAME IN THE WAKE OF PRESIDENT REAGAN'S AND GENERAL SECRETARY GORBACHEV'S JOINT STATEMENT AT GENEVA ON "THE IMPORTANCE OF RESOLVING HUMANITARIAN CASES IN THE SPIRIT OF COOPERATION." MY GOVERNMENT WELCOMES THE RESOLUTION OF THESE AND OTHER INDIVIDUAL CASES. AND WE STRONGLY WELCOME GENERAL SECRETARY GORBACHEV'S STATEMENT TO THE SOVIET PARTY CONGRESS ON FEBRUARY 2[illegible], CALLING FOR "THE SOLUTION IN A HUMANE AND POSITIVE SPIRIT OF QUESTIONS OF THE REUNIFICATION OF FAMILIES."

OF COURSE, MUCH MORE REMAINS TO BE DONE. MANY MORE CASES AWAIT RESOLUTION. BUT THERE ARE REASONABLE GROUNDS FOR OPTIMISM. WITH GOOD WILL ON BOTH SIDES, WE LOOK FORWARD TO A DAY WHEN ORDINARY FAMILIES ARE NO LONGER VICTIMIZED BY THE EBB AND FLOW OF POLITICAL CONSIDERATIONS. WE LOOK FORWARD TO THE DAY WHEN DIVIDED FAMILIES AND DIVIDED FAMILY LISTS ARE BUT A SAD AND DISTANT MEMORY, FROM CRUELER TIMES. WHEN THAT DAY COMES, AS COME IT MUST, OUR JOINT EFFORTS HERE IN BERN WILL HAVE BORNE SOLID AND LASTING FRUIT.

ON INCREASING HUMAN CONTACTS

MR. SOL POLANSKY
U.S. DELEGATION

PLENARY STATEMENT
APRIL 28, 1986

MR. CHAIRMAN, IN THE COURSE OF OUR DELIBERATIONS TO DATE, MY DELEGATION HAS REFERRED TO FACTORS THAT INFLUENCE HOW THE UNITED STATES ADMINISTERS THE FLOW OF VISITORS TO OUR SHORES. WE INTEND TO EXPAND ON THESE REMARKS IN THE REMAINING PART OF THE GENERAL DISCUSSION AND IN THE SUB-WORKING BODIES. SOME OF THE REMARKS WE HAVE MADE ABOUT THE PRACTICES OF OTHERS HAVE ELICITED CRITICISM--BOTH DIRECT AND INDIRECT--BY SOME OF THE DELEGATES HERE. IT SEEMS THAT SOME OF THOSE REACTIONS HAVE OVERSHADOWED OUR EXPRESSIONS OF SATISFACTION AT RECENT PROGRESS MADE IN HUMAN CONTACTS BY THOSE SAME COUNTRIES.

TO MY DISTINGUISHED SOVIET COLLEAGUE, LET ME REITERATE THAT WE WELCOME THE INCREASE IN RESOLUTION OF DIVIDED SPOUSE AND FAMILY CASES SINCE THE GENEVA SUMMIT. WE REGARD THESE RESOLUTIONS AS A POSITIVE STEP. FOR OUR PART, WE INTEND TO DO EVERYTHING IN OUR POWER TO BUILD A STABLE, CONSTRUCTIVE RELATIONSHIP WITH THE SOVIET UNION. RESOLUTION OF BILATERAL CASES ON HUMANITARIAN GROUNDS CONTRIBUTES DIRECTLY TO THAT END. THAT THERE REMAINS A LONG WAY TO GO SHOULD NOT DETRACT ATTENTION FROM THE PROGRESS ALREADY MADE.

IN THIS SAME VEIN, I WISH TO REFER TO OTHER ASPECTS OF HUMAN CONTACTS WHICH ALSO CONTRIBUTE TO MUTUAL CONFIDENCE AND UNDERSTANDING AMONG NATIONS. THESE ASPECTS HAVE LARGELY BEEN PASSED OVER DURING OUR DELIBERATIONS. I WOULD LIKE TO TAKE SOME TIME NOW TO DISCUSS THEM. I AM REFERRING SPECIFICALLY TO THOSE PARTS OF THE FINAL ACT AND CONCLUDING DOCUMENT WHICH CALL FOR THE FURTHER DEVELOPMENT OF CONTACTS AMONG YOUNG PEOPLE, AND FOR THE EXPANSION OF SPORTS TIES AND OTHER FORMS OF HUMAN CONTACT.

SUCH CONTACTS WERE THE SUBJECT OF EXTENSIVE DISCUSSIONS BETWEEN MY GOVERNMENT AND THE SOVIET GOVERNMENT IN THE PREPARATIONS FOR THE GENEVA SUMMIT. THEY RESULTED IN AN AGREEMENT ON A NUMBER OF BILATERAL EXCHANGE INITIATIVES DESIGNED TO FURTHER SUCH CONTACTS. AGREEMENT IN THIS AREA WAS ANNOUNCED IN THE JOINT STATEMENT ISSUED AT THE CONCLUSION OF THE MEETING. THE AGREEMENT DESERVES TO BE READ INTO THE RECORD OF THIS MEETING AND I WOULD LIKE TO DO SO NOW.

> "THE TWO LEADERS AGREED ON THE UTILITY OF BROADENING EXCHANGES AND CONTACTS INCLUDING SOME OF THEIR NEW FORMS IN A NUMBER OF SCIENTIFIC, EDUCATIONAL, MEDICAL, AND SPORTS FIELDS (INTER ALIA, COOPERATION IN THE DEVELOPMENT OF EDUCATIONAL EXCHANGES AND SOFTWARE FOR ELEMENTARY AND SECONDARY SCHOOL INSTRUCTION; MEASURES TO PROMOTE RUSSIAN LANGUAGE STUDIES IN THE UNITED STATES AND ENGLISH LANGUAGE STUDIES IN THE U.S.S.R.; THE ANNUAL EXCHANGE OF PROFESSORS TO CONDUCT SPECIAL COURSES IN HISTORY, CULTURE, AND ECONOMICS AT THE RELEVANT DEPARTMENTS OF SOVIET AND AMERICAN INSTITUTIONS OF HIGHER EDUCATION; MUTUAL ALLOCATION OF SCHOLARSHIPS FOR THE BEST STUDENTS IN THE NATURAL SCIENCES, TECHNOLOGY, SOCIAL SCIENCES, AND HUMANITIES FOR THE PERIOD OF AN ACADEMIC YEAR; HOLDING REGULAR MEETS IN VARIOUS SPORTS AND INCREASED TELEVISION COVERAGE OF SPORTS EVENTS). THE TWO SIDES AGREED TO RESUME COOPERATION IN COMBATTING CANCER DISEASES."

SPECIFIC PROGRAMS TO IMPLEMENT THE VARIOUS PROVISIONS OF THIS AGREEMENT ARE NOW BEING DEVELOPED. IN ADDITION TO THIS AGREEMENT ON EXCHANGE INITIATIVES, MY GOVERNMENT AND THE SOVIET UNION ALSO SIGNED AT GENEVA A NEW CULTURAL EXCHANGES AGREEMENT. THESE AGREEMENTS ARE GENUINE SIGNS OF THE DESIRE OF BOTH OUR GOVERNMENTS TO INCREASE THE LEVEL OF HUMAN CONTACTS BETWEEN OUR TWO COUNTRIES. WE WELCOME THESE AGREEMENTS, JUST AS WE WELCOME THE INCREASE IN RESOLUTION OF DIVIDED SPOUSE AND FAMILY CASES IN THE WAKE OF THE GENEVA SUMMIT.

IN THE WEEKS AND MONTHS TO COME WE HOPE TO EXPLORE FURTHER AVENUES FOR AGREEMENT BETWEEN OUR COUNTRIES IN THE FIELD OF HUMAN CONTACTS. WE ARE PARTICULARLY INTERESTED IN GREATLY EXPANDING CONTACTS BETWEEN OUR YOUNG PEOPLE. RECENTLY, KATARINA LYCHEVA, A CHARMING YOUNG SOVIET GIRL, VISITED OUR COUNTRY AS AN AMBASSADOR OF GOOD WILL. WE WOULD VERY MUCH LIKE TO SEE VISITS OF YOUNG PEOPLE REPEATED THOUSANDS OF TIMES EVERY YEAR.

AT THE SAME TIME, WE HAVE SOUGHT TO EXPAND OUR FORMAL CONTACTS WITH OTHER EASTERN EUROPEAN STATES, WITH MOST OF WHOM WE HAVE EXISTING EXCHANGE AGREEMENTS. ON THE VERY DAY THIS MEETING OPENED, WE SIGNED IN PRAGUE AN AGREEMENT WITH CZECHOSLOVAKIA ON CULTURAL AND SCIENTIFIC EXCHANGE.

ONE FINAL WORD ON THE GOVERNMENT-TO-GOVERNMENT AGREEMENTS I HAVE JUST MENTIONED. WE LOOK ON THESE AS A NECESSARY MEANS OF DEVELOPING AND EXPANDING CONTACTS WHEN THERE SEEMS TO BE NO OTHER REASONABLE CHOICE, WHEN GOVERNMENTS THINK THEY KNOW BETTER THAN THEIR CITIZENS. OUR STRONG PREFERENCE, HOWEVER, IS NOT TO LEAVE SUCH MATTERS IN THE HANDS OF BUREAUCRATS, RATHER, SUCH CONTACTS SHOULD BE LEFT TO THE INTERESTED INDIVIDUALS AND ORGANIZATIONS WHO SHARE AND KNOW BEST HOW TO PURSUE MUTUAL INTERESTS. HAPPILY, THIS IS THE COURSE BEING PURSUED BETWEEN THE UNITED STATES AND MOST CSCE PARTICIPATING STATES, INCLUDING SOME COUNTRIES OF EASTERN EUROPE. WE HOPE IT CAN BECOME THE PATTERN WITH ALL CSCE PARTICIPATING STATES.

DURING OUR OWN MEETING, THE SWISS YOUTH FEDERATION SPONSORED A CONFERENCE OF EUROPEAN YOUTH ORGANIZATIONS. THEY HAVE FORWARDED TO US A VARIETY OF RECOMMENDATIONS TO IMPROVE CONDITIONS FOR YOUTH EXCHANGE AND YOUTH TOURISM IN OUR COUNTRIES. THESE PROPOSALS DESERVE OUR SERIOUS STUDY, PARTICULARLY AS THEY APPLY TO IMPROVING THE OPENNESS OF EXISTING EXCHANGE PROGRAMS.

MR. CHAIRMAN, JUST AS MY GOVERNMENT IS VERY MUCH IN FAVOR OF EXPANDING HUMAN CONTACTS BETWEEN OUR PEOPLE AND THE PEOPLES OF ALL CSCE PARTICIPATING STATES, WE ARE ALSO INTERESTED IN REDUCING AND ELIMINATING EXISTING BARRIERS TO HUMAN CONTACTS. I HOPE WHAT I AM GOING TO SAY NEXT WILL NOT BE TAKEN AMISS BY MY DISTINGUISHED SOVIET COLLEAGUE. I INTEND IT AS AN EXPLORATION OF WHAT WE CONSIDER PROBLEM AREAS, AND WHERE WE THINK AN EXCHANGE OF VIEWS CAN BE BENEFICIAL. AT THE SAME TIME, LET ME HASTEN TO ADD THAT SOME ARE AREAS WHERE PROGRESS HAS RECENTLY BEEN MADE, SIMILAR TO THE RESOLUTION OF DIVIDED FAMILY AND SPOUSE CASES.

LET ME BEGIN WITH FAMILY VISITS. SINCE 1970 THE ANNUAL NUMBER OF VISITS BY SOVIET CITIZENS TO THEIR U.S. RELATIVES HAS FLUCTUATED BETWEEN 1,000 AND 2,000. THE PEAK YEAR, WHICH WAS ALSO THE PEAK YEAR FOR EMIGRATION FROM THE SOVIET UNION, WAS 1979--THAT IS, AFTER THE FINAL ACT WAS SIGNED--WHEN 2,283 SOVIET CITIZENS WERE PERMITTED TO VISIT THEIR RELATIVES IN MY COUNTRY. SINCE THEN, REGRETTABLY, YEARLY TOTALS HAVE FALLEN OFF BY ABOUT A THIRD. WE NOTED WITH INTEREST THE DISTINGUISHED SOVIET REPRESENTATIVE'S STATEMENT LAST WEDNESDAY THAT 76 SOVIET CITIZENS HAD BEEN GRANTED PERMISSION FOR FAMILY VISITS DURING THE FIRST 20 DAYS OF APRIL. HOWEVER, THIS RATE OF 114 PER MONTH IS 34% LOWER THAN THE RATE OF FAMILY VISITS APPROVED IN 1979 AND 10% LOWER THAN THE RATE OF APPROVALS IN 1985.

AS IN ALL THE ASPECTS OF HUMAN CONTACTS WE ARE DISCUSSING HERE, THE SITUATION IN THE OTHER EASTERN EUROPEAN COUNTRIES VARIES WIDELY. ONLY TWO OF THE SIX STATES ALLOW VIRTUALLY UNRESTRICTED TOURIST OR FAMILY TRAVEL TO THE U.S. IN OTHER STATES, PRIVATE TRAVEL TO THE U.S. IS ALMOST IMPOSSIBLE EXCEPT FOR ELDERLY CITIZENS. AT LEAST ONE PARTICIPATING STATE ROUTINELY DENIES EXIT VISAS TO CITIZENS WHO WISH TO VISIT RELATIVES IN THE WEST WHO HAVE BEEN MEMBERS OF ORGANIZATIONS NOT IN FAVOR WITH THAT GOVERNMENT. SUCH ACTION IS OFTEN SUCCESSFUL IN INTIMIDATING INDIVIDUALS FROM JOINING SUCH

ORGANIZATIONS AND FREELY EXPRESSING THEIR VIEWS, BUT NOT IN IMPROVING THE IMAGE OF THAT PARTICIPATING STATE WITH THE AMERICAN PUBLIC.

SINCE MY GOVERNMENT DOES NOT MONITOR THE FOREIGN TRAVEL OF *OUR* CITIZENS, WE HAVE NO RELIABLE ESTIMATE OF THE NUMBER OF VISITS MADE BY U.S. CITIZENS TO RELATIVES IN THE SOVIET UNION. SOVIET OFFICIALS HAVE STATED PRIVATELY, AND WE ALSO BELIEVE, THAT OVER 50,000 AMERICANS VISITED THE SOVIET UNION IN 1985. BUT WE HAVE NO IDEA WHAT PERCENTAGE TRAVELLED FOR FAMILY VISITS. WE DO KNOW, HOWEVER, HOW DIFFICULT IT CAN BE FOR AMERICANS TO VISIT RELATIVES IN THE SOVIET UNION. STAYS WITH FAMILY MEMBERS ARE STRONGLY DISCOURAGED. APPLICANTS ARE TOLD IT CAN TAKE FOUR MONTHS OR MORE TO PROCESS THEIR APPLICATIONS. SOVIET OFFICIALS INSTEAD ENCOURAGE THEM TO SIGN UP FOR INTOURIST TOURS, WHICH PERMIT A QUICK MEETING WITH A RELATIVE, OFTEN UNDER RESTRICTIVE CONDITIONS.

THE SITUATION IS WORSE STILL FOR THE TENS OF THOUSANDS OF FORMER JEWISH CITIZENS OF THE SOVIET UNION WHO HAVE SETTLED IN AND BECOME CITIZENS OF THE UNITED STATES. THEY ARE BARRED FROM VISITING THEIR RELATIVES IN THEIR FORMER HOMELAND FOR REASONS WHICH MY DISTINGUISHED CANADIAN COLLEAGUE HAS CHARACTERIZED AS BIZARRE AND INEXPLICABLE. IF THE DISTINGUISHED SOVIET REPRESENTATIVE HAS JUST RESPONDED TO THIS POINT I DID NOT HEAR IT FROM THE TRANSLATOR AND I LOOK FORWARD TO RECEIVING A COPY OF HIS TEXT. IF WE ARE TO IMPROVE THE HUMAN CONTACTS BETWEEN OUR TWO COUNTRIES IN THE SPIRIT OF GENEVA, ONE EASY AND IMPORTANT WAY TO DO SO IS TO PRESERVE EXISTING FAMILY AND ETHNIC TIES. FACILITATING FAMILY VISITS IN URGENT HUMANITARIAN SITUATIONS, SUCH AS ILLNESS OR DEATH, IS PARTICULARLY IMPORTANT. I HOPE AT THIS MEETING WE ALL CAN AGREE ON THAT.

WE ARE PARTICULARLY CONCERNED ABOUT THE MANY BARRIERS TO MEETING SOVIET PEOPLE WHICH STILL SEEM TO AWAIT OUR CITIZENS UPON ARRIVAL IN THE SOVIET UNION. IT IS TRUE THAT AMERICANS AND OTHER FOREIGN VISITORS CAN TOUR THE GROUNDS OF THE KREMLIN, AND ENJOY THE TREASURES OF THE HERMITAGE IN LENINGRAD, FOR EXAMPLE. BUT GOR'KIY AND SVERDLOVSK, AND A HOST OF OTHER SOVIET CITIES, AND THE PEOPLE WHO LIVE THERE, ARE OFF LIMITS TO THEM. THIS IS BECAUSE THE SOVIET UNION HAS UNILATERALLY AND OFFICIALLY CLOSED 20 PERCENT OF IT TERRITORY TO FOREIGNERS. IN PRACTICE THE SITUATION IS EVEN WORSE. FOREIGN TOURISTS IN THE SOVIET UNION ARE REQUIRED TO USE INTOURIST ACCOMMODATIONS AND APPROVED FOREIGN TRANSPORTATION ROUTES. THIS RESULTS IN THE *DE FACTO* CLOSING OF ANOTHER 75 PERCENT OF SOVIET TERRITORY. THE SAD FACT IS THAT ONLY 5 PERCENT OF THE SOVIET UNION IS GENUINELY OPEN TO TOURISTS. THIS IS NOT A POLICY WHICH LENDS ITSELF TO IMPROVED HUMAN CONTACTS.

THE CLIMATE FOR HUMAN CONTACTS IN THE OPEN 5 PERCENT OF THE SOVIET UNION IS ALSO NOT THE BEST. AS OUR DISTINGUISHED BRITISH COLLEAGUE HAS NOTED, A SOVIET DECREE OF MAY 25, 1984 ESTABLISHED FINES OF UP TO 100 RUBLES FOR SOVIET CITIZENS VIOLATING RULES OF STAY FOR FOREIGNERS IN THE SOVIET UNION. THE DECREE SET FINES OF UP TO 50 RUBLES FOR PROVIDING FOREIGNERS WITH "HOUSING OR MEANS OF TRANSPORTATION OR OTHER SERVICES" IN VIOLATION OF UNSPECIFIED "ESTABLISHED REGULATIONS." INSTEAD, FOREIGNERS ARE LIMITED TO INTOURIST HOTELS, MANY OF WHICH ARE CLOSED TO ORDINARY SOVIET CITIZENS. FOREIGNERS CAN ONLY RECEIVE TRAVEL SERVICES IN THESE FEW CITIES WHICH HAVE AN INTOURIST OFFICE. FOREIGNERS ARE REQUIRED TO PAY MUCH HIGHER ROOM RATES, IN HARD CURRENCY. WHEN TRAVELLING BY TRAIN, THEY ARE FREQUENTLY COMPELLED TO TRAVEL FIRST CLASS, CHARGED HIGHER FEES AND DELIBERATELY SEGREGATED BY CABIN OR CAR FROM ORDINARY SOVIET CITIZENS. THESE KINDS OF POLICIES AND PRACTICES DO NOT, IN OUR VIEW, LEND THEMSELVES TO INCREASED HUMAN CONTACTS.

SOME OTHER GOVERNMENTS OF EASTERN EUROPE ALLOW FAIRLY UNRESTRICTED TRAVEL ON THEIR TERRITORIES BY FOREIGN CITIZENS. A NOTABLE EXCEPTION IS BULGARIA, WHICH HAS ARBITRARILY CLOSED OFF 20 PERCENT OF ITS TERRITORY TO ALL FOREIGNERS.

AT LEAST TWO EASTERN EUROPEAN GOVERNMENTS HAVE ESTABLISHED REGULATIONS, IN SOME CASES UNPUBLISHED, FORBIDDING OR INHIBITING CONTACT WITH FOREIGN CITIZENS. ONE SUCH LAW REQUIRES ANY CONTACT WITH FOREIGN CITIZENS TO BE REPORTED PROMPTLY TO THE POLICE. CLEARLY SUCH REGULATIONS RUN COUNTER TO THE PROFESSED WISH TO IMPROVE CONTACTS BETWEEN ORDINARY PEOPLE. OTHER REGULATIONS, IN AT LEAST THREE EASTERN EUROPEAN STATES, MAKE IT IMPOSSIBLE FOR CITIZENS TO EXTEND AN INVITATION TO OTHER THAN CLOSE RELATIVES FOR ANY OVERNIGHT VISIT. IT IS IRONIC THAT SUCH LAWS EXIST IN COUNTRIES THAT ARGUE MOST STRONGLY FOR FREE CONTACT AMONG YOUTH, SINCE THEIR EFFECT IS MOST DEEPLY FELT BY YOUNG PEOPLE TRAVELLING ON A LOW BUDGET.

MR. CHAIRMAN, I HAVE BEEN SPEAKING SO FAR ABOUT FACE TO FACE HUMAN CONTACTS, ABOUT FAMILY VISITS AND TOURISM. BUT FOR MOST PEOPLE FOREIGN TRAVEL IS, STILL, AN INFREQUENT OCCURENCE. TO KEEP IN REGULAR TOUCH WITH FRIENDS OR RELATIVES ABROAD THEY RELY ON THE TELEPHONE OR, EVEN MORE FREQUENTLY, ON THE INTERNATIONAL POST. WHEN THESE MEANS OF HUMAN CONTACT PROVE UNRELIABLE, THE COST IN HUMAN SUFFERING CAN BE GREAT.

EVERY YEAR THE UNITED STATES POSTAL SERVICE SENDS SOME 900 MILLION PIECES OF MAIL TO EVERY CORNER OF THE EARTH. YET OF ALL THE 167 COUNTRIES WITH WHICH THIS EXCHANGE TAKES PLACE, OUR POSTAL SERVICE HAS MAJOR PROBLEMS WITH ONLY ONE: THE SOVIET UNION. I REGRET TO SAY THESE ARE NOT PROBLEMS OF MAIL INNOCENTLY MISDELIVERED OR INADVERTENTLY LOST OR DELAYED, BUT OF MAIL INTERCEPTED AND CONFISCATED BY SOVIET AUTHORITIES. LETTERS AND PARCELS ARE RETURNED AS UNDELIVERABLE WHEN, IN FACT, THEY ARE DELIVERABLE. REGISTERED ITEMS ARE REPORTED ON ADVICE-OF-DELIVERY FORMS AS HAVING BEEN DELIVERED WHEN INDEPENDENT INFORMATION INDICATES THE CONTRARY.

ON MANY OCCASIONS, INTERCEPTED MAIL CONTAINS INVITATIONS FROM FAMILY MEMBERS TO SOVIET RELATIVES WHO WISH TO VISIT OR EMIGRATE TO MY COUNTRY. ON OTHER OCCASIONS, THEY CONTAIN ONLY NEWS AND GREETINGS BETWEEN FAMILIES AND FRIENDS. OVER THE PAST SEVERAL YEARS, THE U.S. HOUSE OF REPRESENTATIVE'S COMMITTEE ON POST OFFICE AND CIVIL SERVICE HAS DOCUMENTED MORE THAN 2,700 INSTANCES OF SOVIET POSTAL ABUSE, INVOLVING MAIL SENT FROM 24 DIFFERENT COUNTRIES. THE U.S. POSTAL SERVICE HAS ITSELF RECEIVED MANY TIMES THIS NUMBER OF COMPLAINTS IN RECENT YEARS. IN FACT, THEY REPORT THAT OVER THE PAST 5 YEARS THE SOVIET UNION IS THE ONLY COUNTRY THAT HAS BEEN THE SUBJECT OF SUCH COMPLAINTS. MR. CHAIRMAN, POSTAL COMMUNICATIONS SHOULD BE GUARANTEED FREEDOM OF TRANSIT IN ACCORDANCE WITH THE UNIVERSAL POSTAL CONVENTION.

ON AUGUST 1, 1984 SOVIET AUTHORITIES ENDED A 30-YEAR POLICY WHICH HAD PERMITTED FOREIGN CITIZENS TO PRE-PAY CUSTOMS DUTIES ON PARCELS SENT TO FRIENDS AND RELATIVES IN THE SOVIET UNION. NOW SUCH COSTS, AMOUNTING TO 30 PERCENT OF THE VALUE OF THE GIFTS, MUST BE BORNE BY THESE FRIENDS AND RELATIVES THEMSELVES. SINCE MOST OF THESE PEOPLE HAVE VERY MODEST INCOMES, BY WESTERN STANDARDS, THEY CANNOT AFFORD TO PAY THE DUTIES. SO A VERY REAL AND TANGIBLE FORM OF HUMAN CONTACT HAS BEEN LOST TO THEM.

IN 1981 SOVIET AUTHORITIES ENDED DIRECT DIAL SERVICE TO ALL PARTS OF THE SOVIET UNION SAVE MOSCOW. IN 1982 DIRECT DIAL SERVICE WITH MOSCOW WAS ALSO ENDED. ACCORDING TO SOVIET GOVERNMENT AUTHORITIES, THESE STEPS WERE NECESSARY FOR "TECHNICAL REASONS." IT WAS SUGGESTED THAT NECESSARY ADJUSTMENTS WOULD TAKE UNTIL 1984. WE ARE NOW ONE-THIRD OF THE WAY THROUGH 1986 AND, ALTHOUGH SOME DIRECT DIAL SERVICE HAS BEEN PROVIDED TO WESTERN EUROPEAN BUSINESSMEN, THE SYSTEM HAS NOT BEEN RESTORED TO OTHERS WHO ALSO HAVE LEGITIMATE INTERESTS IN MAINTAINING PERSONAL OR PROFESSIONAL CONTACTS OF A VERY HUMAN CHARACTER. OTHER EASTERN EUROPEAN COUNTRIES GENERALLY DO NOT FIND TECHNICAL BARRIERS TO DIRECT DIAL SERVICE. BULGARIA IS NOW INSTALLING THIS SERVICE, WHICH WE TRUST WILL LEAD TO UNIMPEDED, PRIVATE CONTACT BETWEEN ITS CITIZENS AND THOSE OF OTHER COUNTRIES.

MR. CHAIRMAN, I MUST CONFESS THAT THE SOVIET MEASURES I HAVE MENTIONED APPEAR TO US AS ATTEMPTS TO ERECT BARRIERS TO HUMAN CONTACTS RATHER THAN TO ELIMINATE THEM. THEY APPEAR TO US AS PART OF A PATTERN OF BEHAVIOR DURING THE EARLY 1980'S TO RESTRICT HUMAN CONTACTS BETWEEN SOVIET CITIZENS AND THE REST OF THE OUTSIDE WORLD. THEY APPEAR TO US AS MOVEMENTS AWAY FROM COMPLIANCE WITH THE HELSINKI FINAL ACT AND MADRID CONCLUDING DOCUMENT.

MR. CHAIRMAN, THE EARLY 1980'S HAVE COME AND GONE. IT IS NOW 1986. A NEW GENERATION OF LEADERS HAS COME INTO ITS OWN IN THE SOVIET UNION. OUR GOVERNMENTS HAVE BEGUN TO TAKE STEPS TO INCREASE HUMAN CONTACTS. THESE ARE POSITIVE DEVELOPMENTS. WE SEEK TO BUILD UPON THEM. I HAVE BEEN OUTLINING AREAS WHERE WE THINK THAT IMPROVEMENTS CAN BE MADE WITH LITTLE EFFORT. NO DOUBT THERE ARE AREAS WHERE THE DISTINGUISHED SOVIET DELEGATE THINKS WE, TOO, COULD DO BETTER AND HE MENTIONED SOME OF THESE AREAS THIS AFTERNOON. WE HOPE WE CAN WORK TOGETHER AT THIS MEETING TOWARD THAT END. BY INCREASING THE HUMAN CONTACTS BETWEEN OUR PEOPLES WE WILL HELP BUILD THE STABLE, CONSTRUCTIVE RELATIONSHIP WE BOTH PROFESS TO SEEK. AND IN SO DOING WE WILL ENHANCE SECURITY AND COOPERATION AMONG ALL THE CSCE SIGNATORY STATES.

THANK YOU, MR. CHAIRMAN.

AMBASSADOR MICHAEL NOVAK
HEAD, U.S. DELEGATION

PLENARY SESSION
APRIL 29, 1986

LAST FRIDAY, ONE DISTINGUISHED DELEGATE, FROM A COUNTRY OF GREAT BEAUTY AND LONG-STANDING CIVILIZATION, CALLED FOR SIMPLIFICATION OF VISA FORMS, A POINT WITH WHICH WE CERTAINLY AGREE. HE STRESSED ALL THE QUESTIONS HIS GOVERNMENT DID NOT ASK. BUT HE DID NOT MENTION ONE CRUCIAL ASPECT OF HIS GOVERNMENT'S POLICY. TOURIST VISAS FOR HIS COUNTRY ARE ROUTINELY DENIED TO FORMER CITIZENS OF THAT STATE, PARTICULARLY IF THE APPLICANT HAS BECOME ACTIVE IN EMIGRE ORGANIZATIONS NOT FAVORED BY THAT GOVERNMENT.

THIS POLICY DOES NOT SEEM TO REPRESENT THE SOFT WINDS OF DETENTE. IT SEEMS TO REPRESENT A KIND OF CURTAIN -- POSSIBLY NOT OF IRON, BUT A LITTLE DIFFICULT TO GET THROUGH JUST THE SAME.

IN FACT, VISITORS TO HIS COUNTRY ACCUSTOMED, SAY, TO THE OPEN BORDER BETWEEN THE CANADA AND THE U.S., WILL BE STUNNED AT THE BORDER OF THIS GOOD AND BEAUTIFUL LAND. THIS BORDER IS DEFINED, QUITE VISIBLY, QUITE CLEARLY, BY VERY HEAVY ARMS, BARBED WIRE, WATCH TOWERS, DOGS AND TANKS. I WISH THIS WERE NOT TRUE. I HOPE IT WILL NOT BE TRUE FOR LONG.

IF TO MENTION SUCH THINGS IS TO INJURE DETENTE, HOW WOULD ONE DESCRIBE THE ACTUAL, PHYSICAL, DEPLOYMENT OF SUCH THINGS? WE CANNOT ALLOW C.S.C.E. TO MEAN "CANDID SPEECH COMPLETELY EXCLUDED".

MY GOVERNMENT FAVORS MUCH, MUCH BETTER RELATIONS WITH ALL OF EASTERN EUROPE ... BASED ON CANDOR, OPENNESS, FAMILY KINSHIP, AND JOINT ECONOMIC CREATIVITY IN HELPING EVERY AREA OF THE WORLD TO ELIMINATE POVERTY, AND TO RAISE STANDARDS OF LIVING, ALL OF US COOPERATING IN THE PEACEFUL EXCHANGE OF GOODS AND SERVICES, THAT IS, THOSE HUMBLE ACTIVITIES THAT MOST OCCUPY HUMAN BEINGS, HAPPILY, WHEN THEY ARE AT PEACE.

I WOULD LIKE TO REFLECT ALOUD ON THE COMMENTS MADE BY THE DISTINGUISHED REPRESENTATIVE OF POLAND ABOUT THE VISA PRACTICES OF "CERTAIN WESTERN PARTICIPATING STATES". I FOUND THAT MOST OF THESE COMMENTS HAD A CONSTRUCTIVE SIDE; MOST CAN BE HELPFUL BOTH TO THE PEOPLE OF POLAND AND TO THE PEOPLE OF THE UNITED STATES, WHO SHARE SO MANY BONDS OF HISTORY, OF HEROISM AND OF KINSHIP.

THE DISTINGUISHED REPRESENTATIVE OF POLAND MADE SEVERAL COMPLAINTS THAT MAY APPLY TO U.S. VISA POLICY. IN REPLY, I WOULD LIKE TO OFFER THE FOLLOWING COMMENTS:

IT IS NECESSARY TO UNDERSTAND THE NATURE OF MANY POLISH VISITS TO THE U.S. IN HIS FIRST SPEECH, THE DISTINGUISHED POLISH REPRESENTATIVE NOTED THAT GOVERNMENTS MAY SOMETIMES RESTRICT THE TRAVEL OF THEIR CITIZENS DUE TO SHORTAGES OF HARD CURRENCY. BUT WE CANNOT ACCEPT THIS AS A REASON TO RESTRICT TRAVEL. WE UNDERSTAND THE IMPORTANCE OF HARD CURRENCY TO THE POLISH ECONOMY, FOR TWO REASONS. FIRST, POLAND SEEKS TO ENCOURAGE FOREIGN TOURISTS TO VISIT POLAND, IN ORDER TO GAIN HARD CURRENCY RECEIPTS. SECOND, POLISH TOURISM TO THE U.S. ALSO PROVIDES A NET GAIN IN HARD CURRENCY FOR POLAND. THIS POSITIVE BALANCE ARISES FIRST, BECAUSE RELATIVES OF POLISH CITIZENS PAY VIRTUALLY ALL HARD CURRENCY COSTS ASSOCIATED WITH THE TRAVEL AND VISIT OF THEIR RELATIVES; AND SECOND, BECAUSE THOUSANDS OF POLES ARE ACTUALLY WORKING IN THE U.S., EVEN WHEN THEY DO NOT HAVE AUTHORIZATION TO BE EMPLOYED THERE, AND THEY REMIT THE HARD CURRENCY OF THEIR EARNINGS TO POLAND.

INDEED SO MANY POLES SEEK TO COME TO THE U.S. ON VISITORS VISAS, WHILE INTENDING TO SEEK EMPLOYMENT, CONTRARY TO THE DECLARED PURPOSE OF THEIR VISIT, THAT OUR OFFICIALS IN 1985 WERE OBLIGED TO REFUSE SOMEWHAT MORE THAN THE FIGURE OF 7,660 VISITORS VISAS CITED BY MY DISTINGUISHED POLISH COLLEAGUE. WE

ARE EAGER TO ISSUE TOURIST VISAS TO GENUINE TOURISTS. WE ISSUED MORE THAN 50,000 IN POLAND LAST YEAR. WE ALSO HAVE A MECHANISM BY WHICH WORKERS CAN RECEIVE LEGAL PERMISSION TO WORK TEMPORARILY IN THE U.S. BUT WE CANNOT ISSUE TOURIST VISAS TO THOSE WHOSE PRIMARY INTEREST IS UNAUTHORIZED EMPLOYMENT. TO DISTINGUISH BETWEEN THESE TWO SEPARATE PURPOSES, EXPERIENCE HAS OBLIGED US TO ASK THIRTY-SIX QUESTIONS ON OUR VISA APPLICATION FORM. THESE QUESTIONS ARE DESIGNED TO CLARIFY THE TRUE PURPOSE OF THE APPLICANT'S VISIT. FILLING OUT FORMS, LIKE STANDING IN LINES, IS ALWAYS A BURDEN. THEY ARE A BURDEN FOR THOSE WHO RECEIVE, AS FOR THOSE WHO APPLY.

CONSULAR OFFICERS ARE ONLY HUMAN, AND THEY DO MAKE MISTAKES. THEIR JUDGMENTS ARE FALLIBLE. WE REGRET ANY INSTANCE IN WHICH SOMEONE WHO TRULY INTENDED ONLY TO VISIT WAS REFUSED A VISA. SOMETIMES, HOWEVER, OUR CONSULAR OFFICERS ERR IN THE OTHER DIRECTION, AND ISSUE VISAS IN GOOD FAITH TO THOSE WHO TURN OUT NOT REALLY TO BE TOURISTS. IN THOSE CASES, IF THE IMMIGRATION AUTHORITY AT THE BORDER OR AIRPORT FINDS CLEAR EVIDENCE THAT THE POLISH CITIZEN MISLED THE CONSULAR OFFICER ABOUT THE PURPOSE OF HIS VISIT, THE POLISH CITIZEN MAY BE DENIED ENTRY, DESPITE HOLDING A VALID VISA. THIS HAS HAPPENED ONLY RARELY.

THE DISTINGUISHED REPRESENTATIVE OF POLAND RAISED MANY GOOD QUESTIONS, AND WE WOULD BE GLAD TO DISCUSS IN DETAIL HOW AMERICAN PROCEDURES CAN BE IMPROVED, AND TO EXPLAIN HOW AND WHY OUR CURRENT REGULATIONS FUNCTION AS THEY DO. THERE IS ONLY ONE LINE IN HIS REMARKS THAT I FOUND INAPPROPRIATE -- A REFERENCE TO "POLICE-TYPE INTERROGATION". ORDINARY POLES KNOW WHAT POLICE INTERROGATION REALLY IS. THEY SOMETIMES EXPERIENCE IT WHEN THEY TRY TO APPROACH AMERICAN CONSULAR OFFICES, NEVER AFTER THEY ENTER THERE. AMONG POLES, THERE IS A HUGE DEMAND TO TRAVEL TO THE U.S.; ALMOST EVERY FAMILY IN POLAND -- EVEN THE POPE'S -- HAS RELATIVES IN THE U.S. THERE IS A DEEP SOURCE OF KINSHIP AND LOVE BETWEEN OUR TWO PEOPLES. FOR THIS REASON, OUR CONSULAR OFFICERS IN POLAND ARE HEAVILY OVERWORKED. THEY CONDUCT VISA INTERVIEWS COURTEOUSLY, BUT QUICKLY. THEY APPROVE OF 1000 NONIMMIGRANT VISAS A WEEK.

IN ALMOST EVERY CASE, A TOURIST VISA IS ISSUED THE SAME DAY AS THE APPLICATION. IN THIS RESPECT, I SHOULD ADD, THE GOVERNMENT OF POLAND ACTS ALMOST AS SPEEDILY, ISSUING ENTRY VISAS USUALLY WITHIN 24 TO 48 HOURS.

IN OUR CASE, IT IS TRUE THAT MEMBERS OF THE POLISH REVOLUTIONARY WORKERS PARTY MUST WAIT AN ADDITIONAL DAY OR TWO FOR THEIR VISAS BECAUSE OF A WAIVER PROVISION IN OUR LAW. THIS IS VIRTUALLY AUTOMATIC AND, IN EMERGENCY CIRCUMSTANCES, EVEN THIS DELAY CAN BE AVOIDED. OTHERWISE, PARTY MEMBERS ARE TREATED EXACTLY LIKE OTHER APPLICANTS. NO POLISH CITIZEN IS REFUSED A NONIMMIGRANT VISA SIMPLY BECAUSE OF PARTY MEMBERSHIP.

THE DISTINGUISHED REPRESENTATIVE OF POLAND ALSO MENTIONED EMPLOYMENT DISCRIMINATION AGAINST POLISH IMMIGRANTS IN SOME COUNTRIES, UNLESS THEY GIVE UP THEIR POLISH CITIZENSHIP. THIS ACCUSATION SIMPLY DOES NOT APPLY TO THE U.S. IN FACT, SOME POLISH CITIZENS, THOSE WHO FLED MARTIAL LAW AFTER DECEMBER 1981, ARE IN A PRIVILEGED POSITION REGARDING EMPLOYMENT. THEY ARE BY NO MEANS REQUIRED TO GIVE UP POLISH CITIZENSHIP.

U.S. IMMIGRATION LAWS APPLY EQUALLY TO CITIZENS OF ALL COUNTRIES, WITHOUT DISCRIMINATION. EXPERIENCE SHOWS, HOWEVER, THAT BECAUSE OF POLAND'S ECONOMIC SITUATION (TEMPORARY, WE HOPE), A HIGHER RATE OF POLISH VISITORS TO THE U.S. SEEK AND FIND EMPLOYMENT CONTRARY TO THE CONDITIONS OF THEIR VISA. IN TRYING TO APPLY THE LAW EQUALLY, OUR CONSULAR OFFICERS HAVE EXPERIENCED A HIGHER REFUSAL RATE FOR POLISH CITIZENS THAN FOR ANY OTHER COUNTRY IN EASTERN EUROPE. THE REASON SEEMS TO BE POLAND'S ECONOMIC SITUATION; IT IS NOT AMERICAN LAW, WHICH IS THE SAME FOR ALL.

OUR PEOPLE HAVE CLOSE LINKS WITH THE PEOPLE OF POLAND, AND WE WANT TO MAKE OUR ENTRY PROCEDURES AS OPEN AND FAIR AS POSSIBLE. SO WE THANK THE DISTINGUISHED REPRESENTATIVE OF POLAND FOR HIS CRITICISMS AND SUGGESTIONS, AND LOOK FORWARD TO WORKING WITH HIM FOR THE BENEFIT OF BOTH OUR PEOPLES.

TOWARD AN OPEN SOVIET UNION

AMBASSADOR MICHAEL NOVAK MAY 1, 1986
U.S. DELEGATION
PLENARY ADDRESS

THE SOVIET UNION IS A GREAT NATION AMONG THE WORLD'S NATIONS. ITS 270 MILLION CITIZENS OCCUPY NEARLY A SIXTH OF THE WORLD'S SURFACE. ITS NAVY OPERATES ON VIRTUALLY ALL SEAS. IT IS A GREAT MILITARY POWER. THE TALENTS OF ITS PEOPLES HAVE LONG BEEN PRAISED. YET--AND HERE IS THE PUZZLE, MR. CHAIRMAN--WHY DOES SUCH A GREAT NATION WHOSE ACTIVITIES ARE INTERNATIONAL IN SCOPE--REMAIN SO OUTSPOKENLY INSECURE, HESITANT, AND FEARFUL ABOUT HUMAN CONTACTS?

THE CITIZENS OF THE UNITED STATES HAVE, CUMULATIVELY, MILLIONS UPON MILLIONS OF CONTACTS WITH ALL THE PEOPLES OF EUROPE EVERY YEAR (AND WITH ALL THE PEOPLES OF THE WORLD, FOR THAT MATTER). BUT IN NO OTHER NATION ARE THE HUMAN CONTACTS OF OUR OWN CITIZENS SO OFTEN INTERRUPTED, PROHIBITED, LIMITED, RESTRAINED, CONTROLLED, STEERED AND OBSTRUCTED AS THEY ARE, ALAS, WITH THE CITIZENS OF THE USSR. MAIL IS NOT DELIVERED. TELEPHONE SERVICE IS INTERRUPTED. SOVIET AUTHORITIES DISCOURAGE SOVIET CITIZENS FROM TALKING WITH TOURISTS, OR OFFERING THEM HOSPITALITY, ETC.

THE IRONY OF THIS SITUATION IS THAT THE PEOPLE OF THEUNITED STATES TYPICALLY LIKE RUSSIANS, UKRAINIANS, GEORGIANS, ARMENIANS, UZBEKS, AND ALL THE OTHER CITIZENS OF THE USSR, WHEN THEY ARE ALLOWED TO MEET THEM. THE VARIOUS PEOPLES OF THE SOVIET UNION ARE WARM-HEARTED, PASSIONATE, OFTEN EXCITED ABOUT IDEAS, DEEPLY MOVED BY HIGH ART, FULL OF SENTIMENT. PEOPLE TO PEOPLE, OUR PEOPLES GET ALONG SPLENDIDLY. AND WHY NOT? SO MANY AMERICANS SPRING FROM SIMILAR STOCK; SO MANY PROFOUNDLY CHERISH THE GREAT NOVELS, PLAYS, POETRY AND MUSIC OF RUSSIAN AND THE OTHER CULTURES OF THE USSR. WHEN THE GREAT MAESTRO VLADIMIR HOROWITZ PLAYED RECENTLY IN MOSCOW, TELEVISION SHOWED

TEARS STREAMING DOWN MANY FACES IN THE AUDIENCE--AND WOULD HAVE SHOWN SIMILAR EMOTION UPON THE FACES OF MANY AMERICANS, TOO.

SO IT IS IRONIC. OUR PEOPLES HAVE GENUINE AFFECTION FOR ONE ANOTHER. IN MOMENTS OF JOY, SUCH AS THE HOROWITZ RECITAL, AND IN MOMENTS OF TRAGEDY MUTUALLY SHARED, AS IN THE HEART-STOPPING TRAGEDY AND PAINFUL SUFFERING OF THE LAST FEW DAYS, OUR PEOPLES ARE AS ONE.

AND YET COMMUNICATIONS FROM THE SOVIET SIDE ARE SO THOROUGHLY CONTROLLED, STEERED, AND (OFTEN) DISTORTED EITHER BY TOTAL SILENCE OR BY HORRIBLY FALSIFIED PROPAGANDA ABOUT OTHER PEOPLES AND OTHER NATIONS, THAT NO ONE CAN HELP NOTING AN UNMISTAKABLE FEARFULNESS ABOUT HUMAN CONTACTS EXHIBITED BY THE SOVIET STATE. WHY IS THE REGIME OF SUCH A GREAT NATION SO AFRAID OF HUMAN CONTACTS? WHY? THAT IS THE QUESTION BEHIND EVERY INTERVENTION DURING THESE LAST THREE WEEKS. WHY?

THE REASON CANNOT BE IDEOLOGY. (1) MARXIST THOUGHT DOES NOT REQUIRE THE TOTAL CONTROL EXERCISED UNTIL NOW BY THE SOVIET REGIME. (2) OTHER MARXIST NATIONS DO DIFFERENTLY. (3) MANY MARXIST THINKERS PROPOSE MUCH MORE OPEN METHODS.

IF THE REASON FOR THE CLOSED SOCIETY CANNOT BE IDEOLOGY ALONE, NEITHER CAN IT BE DUE TO THE FACT THAT THE SOVIET SOCIAL SYSTEM IS "DIFFERENT" FROM ALL OTHERS. FOR TO ASSERT THAT IS TO BEG THE QUESTION, WHY IS IT DIFFERENT? WHAT IS THE REASON FOR SUCH SYSTEMATIC CONTROL OVER HUMAN CONTACTS AS THE SOVIET UNION PRACTICES, AND CONCERNING WHICH EVERY DELEGATION IN THIS ROOM HAS CONSIDERABLE EXPERIENCE?

A GREAT WORLD POWER, ONE OF THE GREATEST MILITARY POWERS THE WORLD HAS EVER KNOWN, HAS THE RIGHT TO BE SECURE, UNAFRAID RELAXED, AND OPEN. ACCORDING TO THE HELSINKI FINAL ACT, IT EVEN HAS THE DUTY TO BE SO. AND IN THE WORLD OF FACT AND ORDINARY REALISM, IT HAS THE FULL CAPACITY OF BEING SO.

THE SOVIET STATE COULD REMAIN A MARXIST STATE, AND STILL BE FAR MORE OPEN THAN IT IS--OPEN IN ITS POSTAL SERVICE, OPEN IN ITS TELEPHONE AND TELEGRAPHIC SERVICE, OPEN IN RADIO AND TELEVISION AND EVERY FORM OF READING MATERIAL, OPEN IN PERMITTING VISITORS TO TRAVEL AS FREELY AS THEY DO IN

SWITZERLAND AND OTHER NATIONS, OPEN IN ALLOWING ITS OWN CITIZENS TO TRAVEL, TO VISIT, AND TO EMIGRATE, AS THEY LIKE, WHEN THEY LIKE.

THE SOVIET UNION IS POWERFUL ENOUGH TO BE AN OPEN SOCIETY. WHY, THEN, IS IT NOT SO? THE PEOPLES OF THE SOVIET UNION ARE ATTRACTIVE. THE NATION HAS TO ITS CREDIT IMMENSE ACCOMPLISHMENTS. ALL THE WORLD WOULD LIKE TO KNOW ITS CITIZENS BETTER, AND TO HAVE ITS CITIZENS KNOW BETTER ALL THE GREAT, BUZZING, AND VITAL WORLD AROUND THEM. WHY NOT? WHY NOT AN OPEN, LARGE-HEARTED, FREE AND AMICABLE SOVIET UNION?

NOTHING IN THE IDEOLOGY OF MARXISM PREVENTS THIS. NOTHING IN THE VAST POWER OF THE SOVIET UNION REQUIRES OTHERWISE. LOGIC, REASON, EXPERIENCE, SENTIMENT, THE IDEAS OF CIVILIZED PEOPLES EVERYWHERE, THE BASIC FOUNDING IDEAS OF EUROPEAN CULTURE--AND THE HELSINKI FINAL ACT, MADRID, AND THIS VERY GOOD DIALOGUE WE HAVE BEEN HAVING IN BERN--ALL THESE INVITE THE GOVERNING BODIES OF THE USSR TO TRY A NEW PATH. ALL THE WORLD WOULD APPLAUD NEW DECISIONS TAKEN IN THIS NEW DIRECTION.

THESE ARE THE REASONS FOR GREATER OPENNESS TO HUMAN CONTACTS. BUT THERE ARE ALSO ARGUMENTS AGAINST THE CLOSED SOCIETY. (1) THE CLOSED SOCIETY DEPRIVES ITS PEOPLE OF THE STIMULATION OF DIVERSITY, OPPOSITION, AND UNCONVENTIONAL WAYS OF LOOKING AT REALITY. (2) ANY ONE CULTURE IS ONLY ONE CULTURE, BUT HUMAN CREATIVITY IS FERTILIZED BY INPUTS FROM MANY CULTURES--AND ESPECIALLY BY THE MOST CONTRARY AND OPPOSITE. THE HUMAN MIND WORKS BY THE CLASH OF OPPOSITES. (3) THE CLOSED SOCIETY LEADS TO A DECLINE OF STANDARDS, FROM WANT OF TRUE INTELLECTUAL CHALLENGE. (4) IN A CLOSED SOCIETY, THE ROOTS OF GENUINE CULTURE--A TRUE SENSITIVITY TO DIFFERENCES AND TO NUANCE--ARE SLOWLY COVERED OVER BY BUREAUCRATIC SLUDGE. (5) EVEN THE MODE OF CONTROVERSY DECLINES, SINCE TRUE ARGUMENT IS NOT PERMITTED, AND TRUE DIFFERENCES ARE NOT FREELY FACED.

IN SUM, THE CLOSED SOCIETY DEPRIVES ITS THINKING CITIZENS OF INTELLECTUAL AIR. THEY MISS, THEY TRULY MISS, THE NECESSARY CONTACT OF THE HUMAN SPIRIT WITH CONTRARY IDEAS AND OPPOSING IMAGES, AND UNACCUSTOMED CONTROVERSIES. SURPRISE IS THE LAW OF

LIFE. SURPRISE IS THE STIMULUS OF MIND. THE QUESTION FOR SOVIET SOCIETY, THEN, COMES DOWN TO THIS: CAN IT COMPETE IN A WORLD OPEN TO SURPRISE, TO CHOICE, TO INDIVIDUAL WILL? MY OWN ANSWER IS, ITS PEOPLE ARE WORTHY OF THE HIGHEST CONFIDENCE, AND THEY WOULD BENEFIT ENORMOUSLY THEREFROM.

INDEED, NOTHING WOULD DO MORE TO BUILD A NEW SPIRIT OF WORLDWIDE CONFIDENCE, A NEW HUMANITARIAN OUTLOOK, A NEW SENSE OF A COMMON HUMANITY, THAN NEW POLICIES OF OPENNESS BY THE SOVIET REGIME. ALLOW THE PEOPLES OF THE USSR TO BE SEEN AND KNOWN AND CONVERSED WITH, AS THEY ARE--AN ATTRACTIVE AND TALENTED PEOPLE. ALLOW THEM TO KNOW ALL THE REST OF US, AS WE ARE, IN OUR STRENGTHS, AND IN OUR WEAKNESSES. ALL OF US ARE ONLY HUMAN BEINGS. ONLY THAT. BUT NOTHING LESS. THIS IS THE CRY OF EUROPE, THIS IS THE HERITAGE OF EUROPE: OUT OF MANY, ONE. IN DIVERSITY, A COMMON HUMANITY.

EUROPE HAS TWO BRANCHES, FROM ONE SAME SET OF ROOTS. EAST AND WEST ARE NOT ANITHETICAL. THE TWO BRANCHES BELONG TOGETHER. THEY SHOULD BE OPEN TO EACH OTHER. THEY SHOULD STRENGTHEN EACH OTHER. THEY SHOULD ENRICH EACH OTHER. BEING CLOSED, ONE TO THE OTHER, VIOLATES OUR PROFOUNDEST VOCATION, AND WOUNDS OUR DUTY TO EACH OTHER. THE TASK OF THE YOUNGER GENERATION OF EUROPEANS EVERYWHERE (INCLUDING THOSE WHO ARE CHILDREN OF EUROPE, IN CANADA AND THE UNITED STATES) IS TO MAKE EUROPE ONE--AN OPEN EUROPE. A EUROPE OF RESPECT AND AFFECTION, ONE FOR THE OTHER, EACH FOR ALL, ALL FOR EACH.

* * *

THE KEY TO HUMAN CONTACTS IS THE FREEDOM OF HUMAN BEINGS TO *CHOOSE* WHICH HUMAN CONTACTS THEY DESIRE. IN THIS PLANETARY AGE, OF SWIFT AND CHEAP TRANSPORTATION, THE WHOLE WORLD IS OPEN TO SUCH CHOICE. THE NUB OF HUMAN CONTACTS, THEIR LIVING KERNEL, IS THE RIGHT OF EVERY HUMAN INDIVIDUAL TO TRAVEL AND TO SET UP A SMALL UNIVERSE OF HUMAN CONTACTS WHEREVER SUCH AN INDIVIDUAL WILLS. ONE'S OWN HUMAN CONTACTS ARE A CRUCIAL REALM OF CHOICE. TO AN UNPRECEDENTED DEGREE, MODERN MEN AND WOMEN CHOOSE THE COMPANY WE KEEP.

THUS, THE CENTRAL CHARACTERISTIC OF HUMAN CONTACTS IN OUR TIME IS FREE MOVEMENT FROM PLACE TO PLACE, WHETHER TEMPORARY OR PERMANENT OR, INDEED, CIRCULAR AND CHANGING. FREE MOVEMENT NO DOUBT HAS COSTS. EVERYTHING DOES. IT INTRODUCES RISK. THAT IS PRECISELY WHAT IS MOST HUMAN ABOUT IT. AS THE ANCIENTS SAID: "NOTHING VENTURED, NOTHING GAINED." FREE MOVEMENT MAKES BURDENS FOR BUREAUCRATS, FOR SOCIAL WELFARE AGENCIES, FOR KEEPERS OF RECORDS. IT ALSO MEANS THE TEMPORARY SHIFTING OF HUMAN RESOURCES FROM ONE PART OF THE WORLD TO ANOTHER. WHEN OPENNESS TO MOVEMENT OBTAINS IN ALL DIRECTIONS, HOWEVER, HUMAN FLOWS TEND TO CHANGE, DOUBLE-BACK, AND CIRCULATE--TO THE UNIVERSAL ENRICHMENT OF THE ENTIRE HUMAN FAMILY.

THE FIRST STEP IN SUCH OPENNESS IS FREE EMIGRATION. EMIGRATING INDIVIDUALS, AND EMIGRATING FAMILIES, TIE BONDS OF MEMORY AND UNDERSTANDING, OF KNOWLEDGE AND INSTINCT AND LOVE, BETWEEN THE PEOPLES TO WHOM THEY EMIGRATE AND FROM WHOM THEY EMIGRATE.

THAT IS WHY THE WORLD WAS ENCOURAGED DURING THE 1970S, WHEN SEVERAL HUNDRED THOUSAND FROM AMONG THREE OF THE SOVIET PEOPLES, IN PARTICULAR, BEGAN TO FORGE NEW LINKS BETWEEN THE PEOPLES OF THE USSR AND THE PEOPLES OF WESTERN NATIONS. I MEAN THE RATHER MASSIVE MIGRATIONS DURING THOSE BRIEF YEARS--YEARS TOO BRIEF--OF ETHNIC GERMANS, ARMENIANS, AND JEWS FROM THE SOVIET UNION.

ALMOST TWO CENTURIES AGO, CATHERINE THE GREAT AND ALEXANDER I INVITED GERMAN SETTLERS TO RUSSIA, WHERE 2 MILLION ETHNIC GERMANS STILL LIVE. DISPOSSESSED DURING WORLD WAR II, INCARCERATED AND CONFINED FOR TEN LONG YEARS AFTER THE WAR, THESE GERMAN CITIZENS OF THE USSR WERE FINALLY ALLOWED TO SETTLE IN WESTERN SIBERIA AND CENTRAL ASIATIC RUSSIA. THEIR DILIGENT LABOR IN AGRICULTURE AND INDUSTRY HAS WON THEM NEW RESPECT AND ACCLAIM. THEY SUFFER, HOWEVER, FROM GREAT PRESSURES UPON THEIR HISTORIC CULTURE, RELIGIONS, AND LANGUAGE. WHEN EMIGRATION BECAME POSSIBLE TO THEM DURING THE 1970S, 105,000 OF THESE ETHNIC GERMANS RETURNED TO WEST GERMANY.[1]

SOMETHING SIMILAR HAPPENED AMONG THE 4 MILLION SOVIET ARMENIANS, WHO HAVE WITH GREAT EFFORT BUILT UP ONE OF THE MOST PROSPEROUS OF THE SOVIET REPUBLICS. AFTER WORLD WAR II, SOVIET AUTHORITIES INVITED ARMENIANS ABROAD TO RETURN TO THEIR HOMELAND--AND SOME 250,000 GRATEFULLY DID, TO BUILD A NEW ARMENIA. DURING THE 1970S, SOVIET AUTHORITIES ALSO ALLOWED EMIGRATION FROM ANCESTRAL ARMENIA, AND SOME 52,000 ARMENIANS CHOSE TO LEAVE. ALL THIS DESPITE THE PROSPERITY THEY HELPED TO BUILD.

THE THIRD MAJOR PEOPLE OF THE SOVIET UNION PERMITTED SOMEWHAT FREE EMIGRATION DURING THE 1970S WAS THE COMMUNITY OF JEWS, UP TO 3 MILLION STRONG, DISPERSED MAINLY IN THE THREE GREAT SLAVIC REPUBLICS--UKRAINIAN, BELORUSSIAN, AND RUSSIAN--AND, FOR THE MOST PART, IN THE GREAT CITIES OF KIEV, MINSK, LENINGRAD AND MOSCOW.[2] THIS IS THE THIRD LARGEST JEWISH COMMUNITY IN THE WORLD.

AMONG ALL THE CULTURES OF THE WORLD, FEW PERHAPS PLACE AS MUCH EMPHASIS UPON THE LIFE OF THE MIND AND THE LIFE OF THE ARTS AS JEWISH CULTURE DOES, FROM EARLY FAMILY LIFE THROUGH ADULTHOOD. THIS IS AS TRUE IN THE SOVIET UNION AS ELSEWHERE. FIGURES FROM 1973 INDICATE THAT, WHILE JEWS IN THE USSR CONSTITUTED ONLY .7 PERCENT OF THE SOVIET PEOPLE, THEY ACCOUNTED FOR 6.1 PERCENT OF ALL SCIENTIFIC WORKERS, 8.6 PER CENT OF ALL SCIENTISTS, AND 14 PERCENT OF ALL SCIENTISTS WITH THE RANK OF DOCTOR (A POST-PH.D. DEGREE, EQUIVALENT). IN THE PAST 13 YEARS, ALAS, THESE PROPORTIONS HAVE BEEN SHRUNKEN BY DISCRIMINATORY FACTORS, QUOTAS, OBSTRUCTIONS, AND STEADILY GROWING CAMPAIGNS OF ANTI-ZIONISM AND ANTI-SEMITISM.

DURING THE 1970S, SOVIET AUTHORITIES ALLOWED SOVIET JEWS--ESPECIALLY THOSE FROM RURAL AREAS--TO EMIGRATE. SOME 250,000 DID SO.

NONETHELESS, IN 1981, THE CURTAIN DROPPED ON EMIGRATION FOR ALL THREE PEOPLES: ETHNIC GERMANS, ARMENIANS, AND JEWS. TODAY, FROM ALL THOSE GROUPS, ONLY A TRICKLE OF EMIGRATION CONTINUES. FOR EXAMPLE, IN 1979, AT THE HIGH POINT, 51,000 JEWS EMIGRATED. BY 1984, ONLY 896 WERE ALLOWED TO LEAVE; IN

1985, 1,140--JUST UNDER 100 PER MONTH. SO FAR IN 1986, THE NUMBERS HAVE DROPPED EVEN LOWER.

THE NUMBERS ARE EQUALLY SAD FOR THE ARMENIANS AND THE GERMANS. ONLY 109 ARMENIANS WERE ALLOWED TO LEAVE DURING ALL OF 1985 AND ONLY 406 GERMANS.

SOVIET AUTHORITIES OCCASIONALLY EXPLAIN AWAY THE CLOSING OF THESE SPIGOTS OF FREE CHOICE, A HUMAN RIGHT GUARANTEED IN MANY INTERNATIONAL INSTRUMENTS AND WRITTEN IN THE HUMAN HEART. THEY SOMETIMES ASSERT THAT SOVIET LAW PERMITS EMIGRATION, BUT FEW NOW WANT TO APPLY FOR IT. THIS EXPLANATION DEFIES PROBABILITIES. WORSE, IT DEFIES FACTS.

THE GERMAN RED CROSS HAS TESTIFIED THAT AS MANY AS 150,000 ETHNIC GERMANS STILL WANT TO EMIGRATE; SCHOLARS ESTIMATE FAR HIGHER NUMBERS. SCHOLARS OF SOVIET ARMENIA HOLD THAT 200,000 ARMENIANS WANT TO EMIGRATE NOW. AND IT IS A SIMPLE, COLD FACT THAT 370,000 SOVIET JEWS HAVE ALREADY REQUESTED PAPERS OF INVITATION FROM ABROAD, AS REQUIRED BY SOVIET LAW FOR THE FIRST STEP IN EMIGRATION PROCEEDINGS. THE COLD FACT IS THAT 3,100 JEWISH FAMILIES--SOME 11,000 PERSONS--ARE KNOWN TO HAVE APPLIED FOR, AND BEEN REFUSED, PERMISSION TO EMIGRATE.

YET, DURING THE MONTH JUST BEFORE WE ASSEMBLED IN BERN, MARCH 1986, THERE WAS REGISTERED ONE OF THE LOWEST TOTALS OF JEWISH EMIGRATION EVER. ONLY 47 PERSONS WERE ALLOWED TO LEAVE.

I REGRET TO SAY THAT THE HORROR THE REFUSENIKS SUFFER IS BARELY SUGGESTED IN THAT COLD NUMBER; 11,000 PERSONS.

MANY OF THE REFUSENIKS HAVE BEEN FIRED FROM THEIR JOBS, AND FORCED TO TAKE MENIAL WORK. UNIVERSITY PROFESSORS AND PHYSICIANS NOW LABOR AS JANITORS AND STREET SWEEPERS. SOME, UNABLE TO FIND EMPLOYMENT ARE NOW, IRONICALLY, SUBJECT TO CHARGES OF "PARASITISM." CHILDREN ARE BARRED FROM GOOD SCHOOLS AND UNIVERSITIES. MANY REFUSENIKS ARE VILIFIED, OFTEN BY NAME, IN THE SOVIET MEDIA. DURING THE PAST TWO YEARS, YEARS (MANY OF US THOUGHT) OF HOPE, NUMEROUS NEWSPAPER ARTICLES AND SEVERAL TELEVISION PROGRAMS HAVE SINGLED OUT REFUSENIKS AS "ZIONIST SUBVERSIVES."

THE MORE ACTIVE REFUSENIKS, WHO TEACH HEBREW OR SPEAK OUT OPENLY AGAINST THE REFUSAL OF AUTHORITIES TO LET THEM LEAVE, ARE SUBJECT TO PARTICULARLY HARSH SANCTIONS. AT LEAST 16 OF THEM HAVE BEEN CONVICTED SINCE AUTUMN 1984, SEVERAL ON CRUDELY TRUMPED-UP CRIMINAL CHARGES DESIGNED TO DISCREDIT THEM. MANY OTHERS HAVE BEEN THREATENED, THEIR APARTMENTS SEARCHED, THEIR PHONES DISCONNECTED. I AM VERY SAD TO SAY, THERE HAVE ALSO BEEN CRUEL PHYSICAL BEATINGS: VLADIMIR LIFSHITS, JOSEF BERENSHTEIN AND YULI EDELSTEIN, FOR EXAMPLE. SO HEAVY WAS HIS BEATING BERENSHTEIN WAS ALMOST BLINDED.

THE LIFE OF THE REFUSENIKS REQUIRES IMMENSE COURAGE. SIMPLY TO EXERCISE A FUNDAMENTAL HUMAN RIGHT IS, FOR THEM, AN ACT OF HEROISM. THIS COURAGE HAS NOT BEEN LACKING. ITS BEAUTY IS BREATHTAKING.

MANY REFUSENIKS, 311 FAMILIES TO BE PRECISE, HAVE BEEN WAITING TO LEAVE FOR MORE THAN TEN YEARS. THEY HAVE BEEN GIVEN THE USUAL REASONS: FULLY ONE-THIRD OF THEM, A HUNDRED FAMILIES, HAVE BEEN REFUSED ON SECURITY GROUNDS. GENERAL SECRETARY GORBACHEV HAS SAID PUBLICLY THAT SUCH REASONS NOW HOLD FOR AT MOST TEN YEARS. THE EVIDENCE THAT WOULD SUPPORT SUCH WELCOME WORDS HAS NOT YET APPEARED.

STILL TODAY 11,000 REFUSENIKS HAVE BEEN MADE PARIAHS IN THE COUNTRY OF THEIR BIRTH. THEY SHOULD BE ALLOWED TO FOLLOW THEIR CHOICE, IN ORDER TO HONOR THE GOOD NAME OF THEIR COUNTRY, IN ORDER TO BECOME HUMAN LINKS BETWEEN THE SOVIET UNION AND THEIR NEW LANDS OF CHOICE, HELPING TO UNITE THIS BROKEN WORLD. THAT WAS THE HOPE OF HELSINKI'S FINAL ACT.

AND WHAT OF THE 370,000 JEWS WHO HAVE RECEIVED THE NECESSARY INVITATIONS TO EMIGRATE, BUT ARE AFRAID OF BECOMING REFUSENIKS? FOR EXTERNAL CONSUMPTION, SOVIET OFFICIALS DENY THEIR VERY EXISTENCE. THEY SAY THAT ALL WHO WANT TO LEAVE HAVE ALREADY LEFT, SO NO MORE PROBLEM. FOR INTERNAL CONSUMPTION, THOUGH, A DIFFERENT STORY IS TOLD, CLOSER TO THE TRUTH. AT A RECENT ZNANIYE SOCIETY LECTURE IN MOSCOW, FOR EXAMPLE, AN OFFICIAL SOVIET EXPERT ON SOVIET NATIONALITY POLICY ESTIMATED THAT BETWEEN 10 AND 15 PERCENT OF SOVIET JEWS NOW WISH TO

EMIGRATE. AS HIS BASE, HE USED THE 1979 SOVIET CENSUS FIGURE (SHOWING A TOTAL SOVIET JEWISH POPULATION OF 1.8 MILLION), THE SOVIET JEWS WHO WISH TO LEAVE NUMBER--IN HIS VIEW--BETWEEN 180 AND 270 THOUSAND. THIS FALLS SHORT OF THE 370,000 KNOWN TO HAVE TAKEN THE FIRST LEGAL STEP. THAT PERCENTAGE IS CLOSER TO 20 PERCENT. BUT THIS SOVIET SCHOLAR'S INTERNAL ESTIMATE IS FAR LARGER THAN WHAT HIS GOVERNMENT CLAIMS EXTERNALLY.

TO HELP MAKE THESE NUMBERS CONCRETE, I HAVE ATTACHED AN ANNEX TO THESE REMARKS FOR DISTRIBUTION TO EVERY DELEGATION, AND FOR THE RECORD, CONTAINING THE NAMES OF A SMALL FRACTION OF THOSE INVOLVED. THIS LIST HELPS US ALL TO VISUALIZE THE HUMAN PERSONS BEHIND THE NUMBERS. IT HELPS US TO IMAGINE THE NEW FIELDS OF HUMAN CONTACTS THEY SO PERSISTENTLY AND BRAVELY SEEK TO ENTER.

* * *

MR. CHAIRMAN, THE OBSTRUCTION TO SOVIET EMIGRATION IS NOT A HURDLE FACED ONLY BY ARMENIANS, GERMANS AND JEWS. IT IS A UNIVERSAL PROBLEM IN THE SOVIET UNION, EXTENDING TO EVERY MAN, WOMAN AND CHILD IN THE COUNTRY. WE HAVE FOCUSED ON ARMENIANS, GERMANS AND JEWS ONLY BECAUSE THEY ALONE OF THE MANY PEOPLES OF THE SOVIET UNION HAVE BEEN ALLOWED TO LEAVE IN SIGNIFICANT NUMBERS. MANY RUSSIANS, UKRAINIANS, BALTS AND OTHERS WOULD LEAVE IF THEY COULD. WE KNOW THE NAMES OF SOME WHO HAVE TRIED AND WHO HAVE FAILED. BUT RUSSIANS, UKRAINIANS, BALTS AND OTHERS KNOW THAT MEMBERS OF THEIR NATIONALITIES SIMPLY ARE NOT ALLOWED TO LEAVE. FOR THEM THERE IS NO SIMILAR PRECEDENT; THERE IS NO SIMILAR HOPE. FOR MANY OF THEM, THE ONLY METHOD LEFT IS DESCRIBED BY AUTHORITIES AS ILLEGAL: CLANDESTINELY, THEY SIMPLY FLEE. MANY, ON TRIPS ABROAD, MUST LEAVE "HOSTAGES" BEHIND--A CHILD, A SPOUSE, A PARENT.

CONSIDER THE YOUNG ESTONIAN OFFICIAL AND HIS BEAUTIFUL WIFE, A SINGER, WHO RECENTLY ASKED ASYLUM IN SWEDEN. THE ONLY WAY THEY COULD LEAVE ESTONIA, SADLY, WAS TO LEAVE BEHIND THEIR INFANT DAUGHTER. THAT INFANT, KAISSA RANDPERE, IS NOW ONLY TWO YEARS OLD. HER GRANDMOTHER, HER GUARDIAN NOW, HAS BEEN DEPRIVED OF EMPLOYMENT AND THREATENED WITH CONFINEMENT IN AN ASYLUM FOR THE INSANE. A GREAT POWER COULD SOFTEN THE CRYING

OF A TWO-YEAR-OLD, ALLOWING HER NOW TO JOIN HER PARENTS, WITHOUT ANY DAMAGE TO ITS SECURITY, GAINING HONOR FOR ITS OPEN WAYS. A EUROPE WITHOUT OPENNESS WOULD BE A HELL, THAT IS WHY EUROPEANS SO HONOR IT.

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IN THE COURSE OF OUR DELEGATION'S PLENARY STATEMENTS, WE HAVE TRIED OUR BEST TO GIVE CREDIT AND TO STRESS HOPE. WE HAVE TRIED HARD NOT TO BE CONFRONTATIONAL, BUT TO SPEAK THE TRUTH AS WE SEE IT FAIRLY AND CLEARLY, IN THE CONTEXT OF MUCH HOPE FOR BETTER TIMES TO COME. THE SOVIET UNION HAS PROMISED NEW DIRECTIONS. HERE IN BERN WE STRONGLY WELCOME EVERY SIGN OF SPRING.

IN CANDOR, WE HAVE SUGGESTED THE ENORMITY OF THE WORK REMAINING TO BE DONE, THE BOLDNESS OF PROMISES YET TO BE FULFILLED. AS THESE PROMISES BECOME REALITIES IN FACT--WHEN THE GREAT NATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS OPENS ITSELF TO THE WORLD-- A GREAT NEW AGE OF HUMAN CONFIDENCE WILL HAVE BEGUN. THAT WAS THE HOPE GENERATED BY THE HELSINKI FINAL ACT. MAY IT SOON BECOME FACT.

NEVER MORE THAN NOW, EUROPE DESIRES OPENNESS. THE EUROPEAN VOCATION IS OPENESS. THE EUROPEAN IMPERATIVE IS OPENNESS.

END NOTES

1. FOR RECENT STUDIES OF THESE EMIGRATIONS, SEE THE PAPERS PRESENTED BEFORE THE U.S. COMMISSION ON SECURITY AND COOPERATION IN EUROPE, APRIL 22, 1986, THE CONGRESS OF THE UNITED STATES: "GERMAN AND ARMENIAN EMIGRATION FROM THE USSR," BY DR. SIDNEY HEITMAN, PROFESSOR OF HISTORY, COLORADO STATE UNIVERSITY; "STATEMENT OF DR. WILLIAM KOREY (ON JEWISH EMIGRATION FROM THE USSR)," BY DR. WILLIAM KOREY; AND "THE RIGHT TO LEAVE: EAST EUROPEAN EMIGRATION POLICIES," BY FELICE D. GAER.

2. SEE ALSO, "GORBACHEV AND THE JEWS," BY ALLAN KAGEDAN, COMMENTARY (MAY 1986), PP. 47-50; AND HUMAN CONTACTS, REUNION OF FAMILIES AND SOVIET JEWRY, INSTITUTE OF JEWISH AFFAIRS, LONDON. KAGEDAN USES THE OFFICIAL SOVIET FIGURE (1979) OF 1.8 MILLION JEWS.

ANNEX: CASES OF SOVIET DENIAL OF HUMAN CONTACTS IN THE AREA OF FAMILY REUNIFICATION, FREEDOM TO CHOOSE ONE'S PLACE OF RESIDENCE

(NOTE: THE FOLLOWING INDIVIDUALS HAVE BEEN DENIED PERMISSION TO EMIGRATE FROM THE SOVIET UNION TO VARIOUS COUNTRIES THROUGHOUT THE WORLD. SINCE THIS IS MERELY AN ILLUSTRATIVE LIST OF THE NAMES OF SOME OF THE PEOPLE WHOSE SITUATIONS HAVE BECOME INTERNATIONAL CASES, NO SIGNIFICANCE SHOULD BE ATTACHED TO THE PRESENCE OR ABSENCE OF ANY SPECIFIC NAME ON THIS LIST.)

REFUSED OVER TEN YEARS ON SECURITY GROUNDS

BOGOMOLNY, BENJAMIN

BENJAMIN BOGOMOLNY FIRST APPLIED TO EMIGRATE WITH HIS PARENTS IN 1966. HIS PARENTS AND SISTERS WERE PERMITTED TO EMIGRATE, BUT BENJAMIN WAS DRAFTED INTO THE ARMY, WHERE HE SERVED IN A CONSTRUCTION BATTALION. HE REAPPLIED ON HIS OWN IN 1972 BUT WAS REFUSED BECAUSE OF HIS ARMY SERVICE. ALL OF HIS APPLICATIONS SINCE THAT TIME HAVE BEEN REFUSED ON THE SAME GROUNDS. OVER THE YEARS, HE HAS BEEN REGULARLY HARASSED, HIS PHONE HAS BEEN DISCONNECTED, HIS APARTMENT RANSACKED, BOOKS CONFISCATED. HIS WIFE, TANYA, LOST HER JOB AT THE UNIVERSITY OF MOSCOW AFTER SHE MARRIED BENJAMIN AND IT BECAME CLEAR THAT SHE WISHED TO EMIGRATE TO ISRAEL. HER IMMEDIATE FAMILY EMIGRATED IN THE 1970'S BUT SHE CHOSE TO WAIT WITH HER HUSBAND. SHE NOW HAS CANCER.

LERNER, ALEXANDER

PROFESSOR ALEXANDER LERNER IS AN INTERNATIONALLY KNOWN AUTHORITY IN THE FIELD OF CYBERNETICS. AFTER APPLYING TO EMIGRATE TO ISRAEL IN 1971, HE WAS DISMISSED FROM HIS POSITION AS A DIRECTOR IN AN INSTITUTE AND PROFESSOR AND HIS VISA REFUSED ON THE GROUNDS THAT "NO DECREES PERTAIN TO HIS SITUATION." IN 1976, THE REASON FOR REFUSAL CHANGED TO "KNOWING STATE SECRETS." DESPITE NUMEROUS INSTANCES OF HARASSMENT BY SOVIET AUTHORITIES OVER THE YEARS, LERNER CONTINUES EFFORTS TO JOIN HIS DAUGHTER IN ISRAEL.

MEIMAN, NAUM AND KITROSSKAYA-MEIMAN, INNA

A DOCTOR OF MATHEMATICS, NAUM MEIMAN WAS A MEMBER OF THE MOSCOW HELSINKI MONITORING GROUP. IN 1974 HE APPLIED TO EMIGRATE TO ISRAEL BUT WAS REFUSED ON SECURITY GROUNDS EVEN BASED ON WORK HE PERFORMED IN THE EARLY 1950'S. ALL HIS REFUSALS SINCE THEN HAVE BEEN BASED ON THE SAME GROUNDS. MEIMAN'S AILING WIFE, INNA KITTROSKAYA-MEIMAN, FIRST APPLIED IN 1979. THEY HAVE BEEN MARRIED SINCE 1981. SHE HAS BEEN REFUSED PERMISSION TO SEEK CANCER TREATMENT IN THE WEST, DESPITE INVITATIONS FROM SWEDEN, FRANCE, THE UNITED STATES AND ISRAEL. IN SEPTEMBER, 1985, MRS. MEIMAN APPLIED TO THE DIRECTOR OF OVIR TO LET HER EMIGRATE WITH HER MOTHER, BROTHER, SON AND TWO GRANDCHILDREN, LEAVING HER HUSBAND BEHIND. ON SEPTEMBER 18, MRS. MEIMAN WAS TOLD THAT SHE COULD NOT LEAVE WITH THE OTHER MEMBERS OF HER FAMILY BECAUSE SHE HAD BEEN MARRIED TO NAUM TOO LONG AND HER DEPARTURE WOULD CONSTITUTE A SECURITY RISK FOR THE SOVIET UNION.

REFUSALS ON SECURITY GROUNDS: NO PAST SECRET WORK

BLITSHTEIN, LEV

LEV BLITSHTEIN AND HIS FAMILY FIRST APPLIED TO EMIGRATE IN AUGUST 1974. THE BLITSHTEINS WERE ADVISED BY OVIR TO DIVORCE SO THAT HIS WIFE AND TWO CHILDREN COULD EMIGRATE, WHICH THEY DID IN 1976. MR. BLITSHTEIN HAS BEEN REPEATEDLY REFUSED PERMISSION TO REJOIN HIS FAMILY, BECAUSE OF POSSIBLE KNOWLEDGE OF SOVIET MEAT PRODUCTION, ALTHOUGH HE HAS BEEN TOLD BY THE MINISTRY OF MEAT AND DAIRY INDUSTRY OF THE RSFSR THAT THEY HAVE NO CLAIMS AGAINST HIM SINCE HE NEVER HAD ACCESS TO SECRET DOCUMENTS.

REASON GIVEN AS "POOR STATE OF BILATERAL RELATIONS"

SLEPAK, VLADIMIR

VLADIMIR AND MARIA SLEPAK FIRST APPLIED TO EMIGRATE IN 1970. A MEMBER OF THE MOSCOW HELSINKI MONITORING GROUP AND JEWISH EMIGRATION ACTIVIST, HE WAS ARRESTED, TOGETHER WITH HIS WIFE IN JUNE 1978, AFTER THEY BARRICADED THE DOORS TO THEIR APARTMENT AND DISPLAYED A BANNER ON THERI BALCONY ASKING TO JOIN THEIR SON IN ISRAEL. MR. SLEPAK WAS SENTENCED TO FIVE YEARS INTERNAL EXILE AND MARIA WAS GIVEN A THREE-YEAR SUSPENDED SENTENCE FOR "MALICIOUS HOOLIGANISM". THEIR TWO SONS WERE PERMITTED TO EMIGRATE BUT THE SLEPAKS HAVE BEEN REPEATEDLY REFUSED PERMISSION.

FAMILY TIES ABROAD SAID NOT TO BE CLOSE ENOUGH

ELBERT, LEV

LEV ELBERT, HIS WIFE AND SON, OF KIEV, HAVE BEEN ATTEMPTING TO EMIGRATE SINCE AUGUST 1976. THEY HAVE REPEATEDLY BEEN DENIED PERMISSION TO JOIN MRS. ELBERT'S MOTHER AND BROTHER IN ISRAEL ON GROUNDS OF "SECRECY" AND LATER ON GROUNDS OF "INSUFFICIENT KINSHIP.

FORMER JEWISH PRISONERS OF CONSCIENCE REFUSED EXIT VISAS

NUDEL, IDA

IDA NUDEL HAS BEEN ATTEMPTING TO EMIGRATE TO ISRAEL SINCE MAY 1971. SHE WAS SENTENCED IN 1978 TO FOUR YEARS OF INTERNAL EXILE AFTER DISPLAYING A BANNER READING "K.G.B., GIVE ME A VISA" IN MOSCOW. AFTER HER RETURN FROM EXILE, SHE WAS NOT PERMITTED TO RESIDE IN HER HOME IN MOSCOW; AFTER MONTHS OF SEARCHING FOR A CITY THAT WOULD GIVE HER A RESIDENCE PERMIT, SHE SETTLED IN BENDERY, MOLDAVIA. SHE IS KNOWN AMONG OTHER REFUSENIKS AS A "GUARDIAN ANGEL" FOR HER WORK ON BEHALF OF PRISONERS OF CONSCIENCE.

OTHER FORMER JEWISH PRISONERS OF CONSCIENCE DENIED EXIT PERMISSION:

BRAILOVSKY, VIKTOR. MOSCOW. FIRST REFUSED 1972. RELEASED FROM PRISON 1984.

CHERNOBILSKY, BORIS. MOSCOW. FIRST REFUSED 1976. RELEASED 1982.

FRIDMAN, KIM. KIEV. FIRST REFUSED 1971. RELEASED MARCH 1982.

GEYSHIS, GRIGORY. LENINGRAD. FIRST REFUSED 1978, RELEASED 1982.

KISLIK, VLADIMIR. KIEV. FIRST REFUSED 1974. RELEASED 1984.

KOCHUBIEVSKY, FELIKS. NOVOSIBIRSK. FIRST REFUSED 1978. RELEASED 1985.

LEYN, EVGENY, LENINGRAD. FIRST REFUSED 1978. RELEASED JUNE 1982.

LOKSHIN, OSIP, KISHINEV. FIRST REFUSED 1980. RELEASED 1984.

OCHERETYANSKY, MARK. KIEV. FIRST REFUSED 1979. RELEASE 984.

PANAREV, ALEKSANDR. SUKHUMI. FIRST REFUSED 1973. RELEASED 1984.

PARITSKY, ALEKSANDR. KHARKOV. FIRST REFUSED 1977. RELEASED 1984.

SHCHIGLIK, DMITRY. MOSCOW. FIRST REFUSED 1973. RELEASED 1981.

SHNIRMAN, SIMON. FIRST REFUSED 1977. RELEASED JANUARY 1986.

TSUKERMAN, VLADIMIR. KISHINEV. FIRST REFUSED 1974. RELEASED MAY 1984.

SOVIET PENTECOSTALS:

IVAN MALAMURA - A PENTECOSTAL BISHOP FROM TAPA, ESTONIA, DENIED PERMISSION TO JOIN HIS DAUGHTER AND SON-IN-LAW IN CANADA. REPORTEDLY DECLARED HUNGER STRIKE "TO THE END", AS OF MAY 1, 1986 TO PROTEST DENIAL OF EMIGRATION REQUEST, LOSS OF EMPLOYMENT, HARASSMENT OF HIS FAMILY BY AUTHORITIES.

VASILY BARATS - A PENTECOSTAL EMIGRATION ACTIVIST, WAS ONE OF THE FOUNDERS OF THE SOVIET RIGHT TO EMIGRATE GROUP IN 1980. IN SEPTEMBER 1982, HE WAS SENTENCED TO FIVE YEARS STRICT REGIMEN CAMP AND HAS HAD AT LEAST ONE HEART ATTACK.

PAVEL AKHTEROV - A PENTECOSTAL EMIGRATION ACTIVIST, WAS SENTENCED ON DECEMBER 28, 1981 TO SEVEN YEARS STRICT REGIMEN CAMP PLUS FIVE YEARS INTERNAL EXILE FOR "ANTI-SOVIET AGITATION AND PROPAGANDA."

FYODOR SIDENKO - A PENTECOSTAL EMIGRATION ACTIVIST, WAS RELEASED FROM THE CHERNYAKHOVSK SPECIAL PSYCHIATRIC HOSPITAL TWO DAYS BEFORE THE U.S.-SOVIET SUMMIT MEETING. ARRESTED INOCTOBER 1979 AND CHARGED WITH "ANTI-SOVIET SLANDER", SIDENKO WAS SUBJECTED TO INTENSIVE DRUG TREATMENTS IN HOSPITAL.

GALINA BARATS - PENTECOSTAL EMIGRATION ACTIVIST, WAS ARRESTED IN MARCH 1983, AND WAS LATER SENTENCED TO SIX YEARS STRICT REGIMEN CAMP PLUS THREE YEARS INTERNAL EXILE.

VALENTINA GOLIKOVA - A MEMBER OF THE FREEDOM TO EMIGRATE COMMITTEE, WAS ARRESTED IN OCTOBER 1984, AND LATER SENTENCED TO THREE YEARS ORDINARY REGIMEN CAMP.

MEMBERS OF OTHER SOVIET NATIONALITY GROUPS ATTEMPTING TO EMIGRATE

KAISA RANDPERE - (ESTONIAN) - TWO AND ONE-HALF YEAR OLD KAISA HAS BEEN SEPARATED FROM HER ESTONIAN PARENTS SINCE 1984, WHEN THEY DECIDED TO REMAIN IN SWEDEN WHILE VISITING THERE. KAISA IS LIVING WITH HER GRANDMOTHER, WHO HAS BEEN HARASSED BY SOVIET AUTHORITIES WHO HAVE THREATENED TO TAKE THE CHILD AWAY AND PUT HER IN AN ORPHANAGE. THE SOVIET GOVERNMENT HAS REJECTED FOUR APPLICATIONS SUBMITTED BY KAISA'S PARENTS FOR HER EMIGRATION TO SWEDEN.

IVAN MARTYNOV (RUSSIAN) - A RUSSIAN LITERARY SCHOLAR, HAS BEEN TRYING TO EMIGRATE TO ISRAEL SINCE 1982. IN JANUARY 1985 HE WAS SENTENCED TO 18 MONTHS COMPULSORY LABOR. FROM AUGUST UNTIL OCTOBER 26, HE WAS IN PSYCHIATRIC HOSPITAL AND SUBJECTED TO FORCIBLE DRUG TREATMENT FOR APPLYING TO EMIGRATE.

ALEKSANDR MAKSIMOV (UKRAINIAN) - WHEN HE BECAME 16 IN 1975, HE RENOUNCED HIS SOVIET CITIZENSHIP AND APPLIED TO EMIGRATE. HE HAS SERVED TWO LABOR CAMP SENTENCES (1980-81, 1982-84) FOR HIS EMIGRATION EFFORTS. HIS MOTHER, GALINA, WAS SENTENCED TO A THREE-YEAR CAMP TERM IN 1982 AND REPORTEDLY WAS RE-ARRESTED IN CAMP.

MIKHAIL KAZACHKOV (RUSSIAN) - A RUSSIAN PHYSICIST, WAS ARRESTED IN 1975 AT THE LENINGRAD OVIR WHEN HE TRIED TO SUBMIT EMIGRATION DOCUMENTS. ACCUSED OF SPYING (HE HAD VISITED THE U.S. CONSUL'S HOUSE) HE WAS SENTENCED TO A 15-YEAR CAMP TERM; IN CAMP HE RECEIVED AN ADDITIONAL 3.5-YEAR TERM.

NIKOLAI BARANOV (RUSSIAN) - A WORKER FROM LENINGRAD, SERVED A FIVE-YEAR CAMP TERM ON POLITICAL CHARGES FOR HIS EMIGRATION EFFORTS. IN NOVEMBER 1983, HE WAS DIAGNOSED AS MENTALLY UNSTABLE BECAUSE HE WANTED TO LEAVE THE U.S.S.R. TO ACCEPT AN INVITATION TO LIVE IN ENGLAND. AS OF NOVEMBER 1985, HE WAS BEING HELD IN THE LENINGRAD SPECIAL PSYCHIATRIC HOSPITAL.

NIKOLAI SHABUROV (RUSSIAN) - IN 1982 APPLIED IN HIS NATIVE MARIISKAYA ASSR TO COME TO THE U.S. TO STUDY IN A SEMINARY. A FEW DAYS LATER, HE WAS ARRESTED AND COMMITTED TO A PSYCHIATRIC HOSPITAL.

EDITA ABRUTIENE (LITHUANIAN) - WAS SENTENCED TO A SIX-YEAR TERM OF IMPRISONMENT IN JULY 1983 FOR HER EFFORTS TO EMIGRATE FROM LITHUANIA WITH HER HUSBAND AND YOUNG SON. HER HUSBAND, VITAS ABRUTIS, HAD JUST RETURNED FROM SERVING A POLITICAL SENTENCE IN THE CAMPS WHEN SHE WAS ARRESTED.

EDUARD GUDAVA (GEORGIAN) - A GEORGIAN CATHOLIC, HAS BEEN ATTEMPTING TO EMIGRATE FOR FOUR YEARS WITH HIS MOTHER AND BROTHER, TENGHIZ. IN JANUARY 1986, EDUARD WAS SENTENCED TO A FOUR-YEAR PRISON TERM FOR "MALICIOUS HOOLIGANISM" FOR HANGING A PROTEST BANNER FROM THE BALCONY OF THEIR APARTMENT.

JANIS ROZHKALNS (LATVIAN) - LATVIAN BAPTIST, WHO APPLIED TO EMIGRATE IN JANUARY 1983 TOGETHER WITH 19 OTHER LATVIANS. ARRESTED IN APRIL 1983, ROZHKALNS WAS SENTENCED IN DECEMBER TO FIVE YEARS STRICT REGIMEN CAMP PLUS THREE YEARS INTERNAL EXILE.

YURI SHUKHEVICH (UKRAINIAN) - HAS SPENT OVER 33 OF HIS FIFTY-YEARS IN PRISON FOR ALLEGED NATIONALIST ACTIVITIES, AND IS REPORTEDLY ALMOST BLIND. HE HAS RELATIVES IN AUSTRALIA WHO ARE WILLING TO ACCEPT HIM AND HIS FAMILY AND SUPPORT THEM.

BALYS GAJAUSKAS (LITHUANIAN) - HAS SPENT OVER 33 OF HIS 60 YEARS IN PRISON FOR LITHUANIAN NATIONAL AND HUMAN RIGHTS ACTIVITIES. HE AND HIS FAMILY WISH TO EMIGRATE TO JOIN RELATIVES IN THE UNITED STATES.

ALGIRDAS STATKEVICIUS (LITHUANIAN) - A PHYSICIAN AND MEMBER OF THE LITHUANIAN HELSINKI GROUP, WHO IS PRESENTLY INCARCERATED IN A PSYCHIATRIC FACILITY FOR POLTICAL PRISONERS. HE WISHES TO EMIGRATE AND JOIN HIS SISTER IN THE UNITED STATES.

ALEKSANDR SHATRAVKA (RUSSIAN) - ORIGINALLY PLACED IN A PSYCHIATRIC FACILITY FOR TRYING TO ESCAPE FROM THE SOVIET UNION; HAS FREQUENTLY EXPRESSED THE DESIRE TO EMIGRATE. HE IS PRESENTLY IN LABOR CAMP FOR HIS ACTIVITIES AS A MEMBER OF THE SOVIET INDEPENDENT PEACE MOVEMENT.

IGOR OGURTSOV (RUSSIAN) - SENTENCED IN 1967 TO FIFTEEN YEARS' IMPRISONMENT AND FIVE YEARS INTERNAL EXILE FOR ENGAGING IN RELIGIOUS ACTIVITIES AND FOR FOUNDING THE ALL-RUSSIAN CHRISTIAN SOCIAL UNION. THE U.S. HOUSE OF REPRESENTATIVES RECENTLY PASSED A RESOLUTION URGING THAT MR. OGURTSOV BE RELEASED FROM INTERNAL EXILE AND PERMITTED TO EMIGRATE TO THE WEST WITHOUT RENOUNCING HIS VIEWS.

VARTAN KETENDZHYAN (ARMENIAN) - REFUSED, ALONG WITH HIS WIFE AND CHILDREN, PERMISSION TO EMIGRATE AND JOIN BROTHER AND SISTERS IN UNITED STATES. REJECTED SIX TIMES SINCE MAY 1980.

OTHER SOVIET EMIGRATION CASES

KATZ, SEMYON AND VERA - REFUSED TO PERMISSION TO EMIGRATE TO ISRAEL SINCE 1979

KHASSIN, GENNADY AND NATASHA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1978.

ZARETSKY, IOSIF - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1981

SHEFER, LEV - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1977

EDELSHTEIN, YULI AND TATIANA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1978 (YULI CURRENT IN PRISON)

SHAPIRO, LEV AND LEAH - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1977

ROYAK, VLADISLAV AND RIANNA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1977

KLESMAN, KARL - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1980.

GOLDORT, CHERNA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1975.

KRIPOVAL, BORIS - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1981

VOLVOLSKY, LEONID, LUDMILA AND KIRA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1974 (LEONID CURRENTLY IN PRISON)

LIFSHITZ, VLADIMIR AND FAMILY - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1981. (VLADIMIR CURRENTLY IN PRISON)

PEKAR, JOSEPH AND LEA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1978

BALANA, ROSALIYA REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1980.

TERLITSKY, MARK AND SVETLANA- REFUSED PERMISSION TO EMIGRATE TO UNITED STATES SINCE 1976.

JOFFE, ALEX - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1976

LERNER, VALERY AND JANNA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1977

BEKHMAN, NATASHA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1982

KLOTZ, BORIS AND ELENA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1980

GLASER, IOSEF AND BELLA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1978

FABRICANT, LEV AND OLGA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1979

TZIVIN, MIKHAIL - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1981

LEIN, EVGENY AND IRINA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1978.

KHOLMYANSKY, ALEXANDER - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1980 (CURRENTLY IN PRISON).

ZUNSHAIN, ZAKHAR AND TATIANA - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1981 (ZAKHAR CURRENTLY IN PRISON)

BURSHTEIN, ALBERT AND EDUARD - REFUSED PERMISSION TO EMIGRATE TO ISRAEL SINCE 1980

KALMYKOV, ALEKSANDR - REFUSED PERMISSION TO EMIGRATE TO THE UNITED STATES SINCE 1982

KRYLOVA, YELENA - REFUSED PERMISSION TO EMIGRATE TO UNITED STATES SINCE (YEAR OF FIRST APPLICATION UNKNOWN)

STATEMENT ON PROPOSALS BME. 14, 16, 24, 25

MAY 6, 1986

MR. CHAIRMAN:

I SPEAK NOW IN SUPPORT OF TWO PROPOSALS OF WHICH OUR DELEGATION IS A CO-SPONSOR. EACH DEALS DIRECTLY WITH WAYS OF IMPROVING THE LIVES OF PEOPLE AND WAYS OF PROTECTING THE CREDIBILITY OF THE PROCESS IN WHICH ALL OUR NATIONS ARE ENGAGED. THESE ARE MODEST STEPS, WHICH OUTSIDE OBSERVERS MUST FIND NOT ONLY REASONABLE BUT VIRTUALLY INCLUDED IN PROPOSITIONS ALREADY ACCEPTED AT HELSINKI AND MADRID.

THE FIRST OF THESE IS BME. 16, CO-SPONSORED BY ITALY, THE NETHERLANDS, AND THE UNITED KINGDOM. IT ESTABLISHES A TIME LIMIT FOR THE PUBLICATION OF LAWS, REGULATIONS AND CRITERIA OF JUDGMENT WHICH AFFECT TRAVEL AND EMIGRATION. ITS OPERATIVE PART CALLS UPON THE PARTICIPATING STATES TO "PUBLISH WITHIN ONE YEAR ALL LAWS, REGULATIONS AND PROCEDURES - INCLUDING CRITERIA FOR REFUSAL - GOVERNING DECISIONS TO PERMIT THEIR CITIZENS TO LEAVE THEIR COUNTRY, ON A PERMANENT OR TEMPORARY BASIS; AND, TAKE STEPS TO HELP MAKE THE LAWS THAT ARE IN FORCE ACCESSIBLE TO ALL STRATA OF THE POPULATION OF THE COUNTRY."

THE REASON FOR THIS CLARIFICATION OF EXISTING COMMITMENTS IS AS PLAIN AS THE SNOW-COVERED ALPS IN THE SUNSHINE. TO SHARE THE LIGHT OF REASON, LAWS MUST BE BROUGHT FROM DARKNESS INTO LIGHT. TO BE OBEYED, LAWS MUST BE KNOWN. ALAS, IN SEVERAL PARTICIPATING STATES, CITIZENS ARE NOT PROPERLY INFORMED ABOUT WHAT THE LAW IS, ABOUT THE PROCEDURE FOR COMPLYING WITH IT, AND ABOUT THE CRITERIA OF JUDGMENT EMPLOYED TO MEASURE COMPLIANCE. LAWS SO DARK FRUSTRATE REASON.

SEVERAL DELEGATIONS, INCLUDING MY OWN, SPOKE ON THIS MATTER EARLIER. THE PRACTICAL PROBLEM IS SERIOUS. A PREREQUISITE FOR THE EXERCISE OF RIGHTS IS TO HAVE KNOWLEDGE OF ANY LAWS AND REGULATIONS THAT AFFECT THEIR EXERCISE. THE PARTICIPATING

STATES CLEARLY AFFIRMED THIS POINT IN PRINCIPLE VII OF THE FINAL ACT, AND REAFFIRMED IT IN THE MADRID CONCLUDING DOCUMENT. UNFORTUNATELY, IN SEVERAL PARTICIPATING STATES, PERSONS ARE OFTEN REFUSED TRAVEL OR EMIGRATION PERMISSION WITHOUT ANY SPECIFIC REASON BEING CITED FOR THE REFUSAL. SOMETIMES THE NUMBER OF AN UNPUBLISHED LAW OR REGULATION IS CITED. OFTEN, HOWEVER, THE PERSON INVOLVED HAS NO ACCESS TO THE TEXT BY WHICH TO DETERMINE THE ACTUAL REQUIREMENTS OF THE LAW, APPLIED TO THEIR CASE. LEFT IN DARKNESS, SUCH CITIZENS HAVE NO INFORMED GROUNDS ON WHICH TO APPEAL. OTHER PERSONS ARE TOLD ONLY OF "REASONS OF STATE" OR UNSPECIFIED GROUNDS OF "NATIONAL SECURITY."

ONE EXAMPLE MAY BE CITED, FROM THE HIGHEST OFFICIAL AUTHORITIES OF ONE PARTICIPATING STATE. IN 1982, THESE AUTHORITIES PROVIDED A LETTER WRITTEN TO FORTY-FOUR PERSONS WHO HAD ENQUIRED ABOUT AN APPEAL AGAINST THE REFUSAL OF AN EXIT VISA. THE RESPONSE, SENT BY THE HIGHEST LEGAL AUTHORITY OF THE PARTICIPATING STATE, AFFIRMED IN THESE EXACT WORDS: "EMIGRATION FROM [THIS STATE] IS NOT LEGISLATED. IT IS DIRECTED AND MONITORED BY THE MINISTRY OF THE INTERIOR, WHOSE INSTRUCTIONS ARE CLASSIFIED AND UNPUBLISHED."

MR. CHAIRMAN. THE PROPOSAL WE HAVE TABLED REFERS ONLY TO LAWS AND REGULATIONS AFFECTING TRAVEL. BUT IT IS IMPORTANT TO NOTE THAT OTHER HUMAN CONTACTS ARE ALSO AFFECTED BY UNPUBLISHED LAWS AND REGULATIONS. FOR EXAMPLE, THE LAW OF ONE PARTICIPATING STATE, DATED MAY 25, 1984, IMPOSES FINES AGAINST ITS CITIZENS FOR CERTAIN TYPES OF CONTACTS WITH FOREIGN TRAVELERS "IN VIOLATION OF THE ESTABLISHED RULES." THIS LAW DOES NOT MENTION WHAT THE "ESTABLISHED RULES" ACTUALLY ARE. THUS, CITIZENS HAVE NO WAY OF DETERMINING WHAT IS ACTUALLY ALLOWED AND WHAT IS NOT. SUCH AMBIGUITY INCREASES THE POSSIBILITY OF A CAPRICIOUS ENFORCEMENT OF THE RULES. CITIZENS ARE PLACED IN THE POSITION OF TAKING A RISK ON ANY OCCASION WHEN THEY HAVE AN "UNAUTHORIZED," SPONTANEOUS CONTACT WITH A FOREIGN VISITOR. THIS PRACTICE CHILLS HUMAN CONTACTS. MORE SUNSHINE WOULD WARM THEM.

NATURALLY, THE SIMPLE PUBLICATION OF LAWS AND REGULATIONS AFFECTING TRAVEL WILL NOT, IN ITSELF, CHANGE REPRESSIVE PRACTICES. RESTRICTIVE LAWS, WHOSE TEXTS ARE FULLY AVAILABLE TO THE PUBLIC, WILL CONTINUE TO DIMINISH HUMAN CONTACTS. OPEN PUBLICATION WILL, HOWEVER, PROVIDE APPLICANTS WITH SPECIFIC INFORMATION ABOUT THE REQUIREMENTS OF LAW. WITH SUCH INFORMATION OPEN AND AVAILABLE, THEY CAN THEN: (L) MAKE BETTER INFORMED DECISIONS CONCERNING WHETHER OR NOT TO APPLY TO TRAVEL; (2) DEVELOP AN INFORMED BASIS FOR APPEALING DECISIONS ALREADY TAKEN; AND (3) OBTAIN CLEAR INFORMATION FOR EVALUATING EXISTING LAWS AND REGULATIONS IN THE LIGHT OF VARIOUS INTERNATIONAL INSTRUMENTS. IF THE DETAILS OF THESE LAWS AND REGULATIONS ARE PUBLIC, AND IF CRITERIA FOR JUDGMENT ARE KNOWN TO ALL, SUBJECTIVE ERROR WILL BE REDUCED.

BY CONTRAST, WHEN LAWS AND REGULATIONS AFFECTING TRAVEL OR EMIGRATION ARE NOT PUBLISHED, OR IF GOVERNMENT AUTHORITIES REFUSE TO GIVE SPECIFIC REASONS FOR DECISIONS BASED UPON THEM, EVEN ON APPEAL, THEN INDIVIDUALS ARE UNPROTECTED AND VULNERABLE. DARKNESS IS AN ENEMY OF HUMAN CONTACTS. OPENNESS CLARIFIES THE GROUND.

MR. CHAIRMAN. MY DELEGATION HAS ALSO INTRODUCED PROPOSAL BME. 14, WITH THE CO-SPONSORING OF CANADA, FRANCE, AND GREECE. ITS OPERATIVE SECTION CALLS UPON STATES TO "GIVE SPECIAL ATTENTION TO AND DEAL FAVORABLY WITH APPLICATIONS FROM THEIR CITIZENS OR NATIONALS WHO ARE ALSO RECOGNIZED AS CITIZENS OR NATIONALS BY ANOTHER STATE TO LEAVE IN ORDER TO VISIT THAT STATE OR TO SETTLE THERE."

THIS BRIEF PROPOSAL DEALS WITH THAT VERY SMALL NUMBER OF PERSONS, WHO, EITHER THROUGH BIRTH OR NATURALIZATION, ARE RECOGNIZED AS CITIZENS BY TWO STATES. SUCH PERSONS, FOR EXAMPLE, ARE CITIZENS OF A PARTICIPATING STATE OTHER THAN THE ONE IN WHICH THEY ARE RESIDING. THE STATE IN WHICH THEY ARE RESIDENT CLAIMS THEM AS CITIZENS, BUT THEY WISH TO LEAVE THAT STATE. THIS IS A VERY SMALL NUMBER OF PERSONS. FOR EXAMPLE, THERE ARE TWENTY-ONE AMERICAN CITIZENS RESIDENT IN ANOTHER PARTICIPATING STATE, WHO HAVE NOT BEEN PERMITTED BY ITS AUTHORITIES TO DEPART. THERE ARE A HANDFUL OF U.S. CITIZENS IN THE SAME SITUATION IN TWO OTHER PARTICIPATING STATES.

I DO NOT WANT TO GO INTO GREAT DETAIL ABOUT THESE CASES, BUT IT IS NECESSARY TO PROVIDE SOME BACKGROUND. THESE TWENTY-ONE CASES MOSTLY INVOLVE PERSONS WHOSE PARENTS WERE U.S. CITIZENS WHO WENT TO THAT OTHER STATE IN THE 1920S OR 1930S. THEY WENT EITHER ON CONTRACT TO DO JOBS CONNECTED WITH THE MASSIVE CONSTRUCTION PROJECTS OF THAT PERIOD, OR TO RETURN TO THE COUNTRY OF THEIR BIRTH OUT OF A SENSE OF NEW HOPES FOLLOWING A REVOLUTION. MANY OF THE CHILDREN OF SUCH PERSONS WERE BORN IN THE UNITED STATES. OTHERS, THOUGH BORN IN THE STATE WHERE THEIR PARENTS TOOK UP RESIDENCE, DERIVE THEIR U.S. CITIZENSHIP THROUGH THEIR PARENTS.

IT WAS CERTAINLY THE RIGHT OF THOSE U.S. CITIZENS TO GO TO THAT STATE OF THEIR OWN FREE CHOICE, THOUGH WE DO KNOW THAT SOME LATER SOUGHT TO LEAVE AND WERE PREVENTED FROM DOING SO. IN ADULTHOOD, MANY OF THEIR CHILDREN HAVE SOUGHT TO LEAVE TO TAKE UP LIFE IN THE U.S., AS THEIR CITIZENSHIP ENTITLES THEM TO DO. THIS HAS BEEN FORBIDDEN, IN SOME CASES AFTER EFFORTS STRETCHING OVER NEARLY FORTY YEARS.

I MUST ADD THAT IN MANY CASES, THE FAMILY INVOLVED NEVER REQUESTED OR SOUGHT CITIZENSHIP IN THE STATE OF RESIDENCE. MANY WERE SIMPLY INFORMED IN THE LATE 1930S THAT THEY HAD BEEN "GRANTED" CITIZENSHIP IN THAT STATE, WITHOUT THEIR KNOWLEDGE OR APPLICATION. SOME HAVE THUS BEEN CAUGHT IN A CITIZENSHIP THEY NEVER CLAIMED FOR THEMSELVES.

MR. CHAIRMAN, THE LAWS OF MANY OF OUR PARTICIPATING STATES DO NOT RECOGNIZE THE CONCEPT OF DUAL NATIONALITY. THIS IS TRUE ALSO OF THE UNITED STATES. HOWEVER, PROBLEMS DO NOT ARISE IN MOST PARTICIPATING STATES IN THIS REGARD, BECAUSE PERSONS ARE FREE TO LEAVE MOST NATIONS SIMPLY BY CHOOSING TO DO SO, IN

ACCORDANCE WITH INTERNATIONAL LAW AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. BUT A FEW PARTICIPATING STATES NONETHELESS INSIST THAT DUAL NATIONALS MUST APPLY FOR EXIT PERMISSION SOLELY ON THE GROUNDS OF FAMILY REUNIFICATION. UNFORTUNATELY, MANY INDIVIDUALS ON OUR LIST HAVE NO RELATIVES (OR NO CLOSE RELATIVES) IN THE UNITED STATES. THEY FIND IT DIFFICULT OR IMPOSSIBLE TO OBTAIN THE INVITATIONS NEEDED EVEN TO APPLY FOR EMIGRATION. SINCE AUTHORITIES IN A VERY FEW NATIONS GENERALLY REFUSE TO ACCEPT APPLICATIONS FOR EXIT PERMISSION WITHOUT INVITATIONS, THESE FEW UNFORTUNATE PERSONS ARE LEFT WITH LITTLE OR NO LEGAL CHANNEL THROUGH WHICH TO PURSUE EFFORTS TO EXERCISE THEIR RIGHTS AS AMERICAN CITIZENS.

THE INTENT OF THIS PROPOSAL IS NOT TO FORCE STATES FORMALLY TO ACCEPT THE CONCEPT OF DUAL NATIONALITY. IT IS AIMED ONLY AT STIMULATING THEM TO ACCEPT THE FACTUAL REALITY THAT SOME PERSONS THEY CONSIDER TO BE THEIR CITIZENS ARE ALSO ACCEPTED AS CITIZENS BY ANOTHER STATE, AND TO ALLOW THOSE PERSONS TO CHOOSE FOR THEMSELVES WHICH STATE THEY WISH TO RESIDE IN. THE RESOLUTION OF THIS HANDFUL OF CASES SHOULD NOT BE DIFFICULT. TO RESOLVE THESE CASES, THE STATES INVOLVED ARE NOT BEING ASKED TO ALTER ANY FUNDAMENTAL PRINCIPLE OF THEIR STRUCTURE OF RULE, NOR TO OPEN ANY FLOOD-GATE OF CLAIMS. THEY ARE BEING ASKED ONLY TO DEAL IN A HUMANITARIAN WAY WITH A HANDFUL OF PEOPLE WHO WERE ACTUALLY BORN IN ANOTHER STATE, OR WHOSE PARENTS DIRECTLY HELD CITIZENSHIP OF ANOTHER STATE, AND TRANSMITTED IT TO THEIR CHILDREN. WE APPRECIATE THE FACT THAT OVER THE LAST YEAR ONE MAJOR PARTICIPATING STATE HAS FAVORABLY RESOLVED SEVERAL OF THESE CASES. IN THE SAME SPIRIT, THIS PROPOSAL WOULD HELP IT TO RESOLVE EXPEDITIOUSLY AND FAVORABLY THE HANDFUL OF REMAINING CASES.

END

FINALLY MR. CHAIRMAN, I WISH TO SPEAK IN SUPPORT OF PROPOSALS BME. 24 AND 25, WHICH WERE INTRODUCED BY THE DELEGATION OF FRANCE AND WHICH THE UNITED STATES IS CO-SPONSORING. THE FIRST OF THESE PROPOSALS CALLS UPON THE PARTICIPATING STATES TO RECOGNIZE THE RIGHT OF THEIR NATIONALS

TO BE ISSUED A PASSPORT, OR ANY OTHER DOCUMENT ALLOWING TRAVEL ABROAD. THE SECOND OBLIGES THEM TO "ABOLISH, FOR THEIR NATIONALS, THE REQUIREMENT TO OBTAIN AN EXIT VISA IN ORDER TO LEAVE THEIR COUNTRY."

MR. CHAIRMAN, I WILL NOT REPEAT THE LUCID EXPLANATION OFFERED BY MY DISTINGUISHED FRENCH COLLEAGUE IN INTRODUCING THESE PROPOSALS. HE SPOKE FOR MY DELEGATION AS WELL. INSTEAD, I WOULD LIKE TO POINT TO THE FUNDAMENTAL PRINCIPLE UNDERLYING THESE PROPOSALS. IT COMES FROM THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, WHICH AFFIRMS THAT "EVERYONE HAS THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN." THESE TWO PROPOSALS RECOGNIZE THIS SOLID AND INDISPUTABLE RIGHT. THEY HELP TO DEFINE HOW THIS RIGHT MAY ACTUALLY BE EXERCISED, SO THAT EVERYONE ACTUALLY CAN TRAVEL, (EXCEPT THAT SMALL HANDFUL OF CASES, RECOGNIZED BY ALL COUNTRIES, SUCH AS PERSONS INVOLVED IN CRIMINAL PROCEEDINGS AND MINOR CHILDREN WITHOUT THE CONSENT OF THEIR PARENTS). THESE PROPOSALS REDUCE THE BARRIERS TO SUCH TRAVEL.

WHEN A STATE MAKES THE PROCESS OF EXIT CUMBERSOME AND INTIMIDATING, BY REQUIRING EXIT VISAS OR BY MAKING PASSPORTS DIFFICULT TO OBTAIN, IT FALLS FAR SHORT OF INTERNATIONAL COMMITMENTS. SPECIFICALLY, IT FALLS SHORT OF THE LETTER AND THE SPIRIT OF THE FINAL ACT, IN WHOSE LIGHT PROPOSALS BME 24 AND 25 HAVE BEEN ADVANCED. ACCORDING TO THESE COMMITMENTS, STATES MUST ALLOW THEIR PEOPLE TO CHOOSE FOR THEMSELVES WHETHER TO TRAVEL. ALL CITIZENS SHOULD HAVE IN THEIR HANDS THE EXIT DOCUMENTS NECESSARY TO THIS RIGHT. THE FORWARD-LOOKING STEPS BEING CAUTIOUSLY ATTEMPTED AS OUR DIALOGUE IN BERN HAS PROGRESSED OFFER US HIGH HOPES THAT THESE MODEST PROPOSALS WILL SOON CHARACTERIZE NOT ONLY MOST PARTICIPATING STATES BUT ALL PARTICIPATING STATES.

EXTEMPORE REPLY BY MICHAEL NOVAK

TUESDAY AFTERNOON, MAY 6TH, 5 PM

MR. CHAIRMAN: MY DELEGATION IS GRATEFUL FOR THE LIST OF QUESTIONS POSED BY THE DISTINGUISHED DELEGATE OF THE SOVIET UNION CONCERNING BME NOS. 4, 5, AND 6. THIS IS THE SORT OF MUTUAL QUESTIONING AND FRANK EXCHANGE THAT ALL OF US WISH TO FURTHER. NONETHELESS, THE WAY IN WHICH THE DISTINGUISHED DELEGATE OF THE SOVIET UNION PHRASED HIS QUESTION ABOUT BME NO. 5 SEEMED QUITE DISTURBING. IT BROUGHT TO LIGHT A SERIOUS PROBLEM THAT IS EMERGING IN THE CSCE PROCESS. THIS IS THE GRIEVOUS PROBLEM OF THE DIFFERENCE THAT CAN OPEN UP BETWEEN A COMMITMENT TO PRINCIPLE AND A COMMITMENT TO THE ADMINISTRATIVE EXECUTION OF THAT PRINCIPLE. USUALLY WE ARE ABLE TO TAKE THE CONNECTION BETWEEN THESE TWO FOR GRANTED, AS A SIMPLE MATTER OF GOOD FAITH. INDEED, THE DISTINGUISHED DELEGATE OF BELGIUM JUST SHOWED IN HIS LUCID WAY HOW THE HEADS OF STATE WHO SIGNED THE SOLEMN COMMITMENTS AT THE HELSINKI FINAL ACT AND AT MADRID INTENDED TO BIND THEIR COUNTRIES BOTH TO THE PHILOSOPHICAL PRINCIPLES OF THE FINAL ACT AND TO THEIR ADMINISTRATIVE APPLICATION IN THE REAL WORLD.

HOWEVER, AS WE SAW AGAIN AND AGAIN IN OUR DISCUSSIONS IN THE PLENARY MEETINGS, AND AS WE ARE ENCOUNTERING AGAIN AND AGAIN IN OUR DISCUSSIONS ABOUT PROPOSALS TO ADVANCE THE CSCE PROCESS, WE HAVE ENCOUNTERED A NEW AND DISTURBING POSSIBILITY. THIS IS THE POSSIBILITY THAT A PARTICIPATING STATE MIGHT COMMIT ITSELF TO THE PRINCIPLES OF THE HELSINKI FINAL ACT AND AT THE SAME TIME COMMIT ITSELF TO FRUSTRATING THEIR EXERCISE. THIS LATTER CAN BE DONE BY CONSTANTLY CHANGING THE ADMINISTRATIVE REGULATIONS, SO THAT WHAT ONE OFFERS WITH THE ONE HAND, ONE CONSTANTLY TAKES AWAY WITH THE OTHER. THIS LEAVES INDIVIDUALS VULNERABLE, BAFFLED, AND CAUGHT AS IN A NIGHTMARE. IT HAS BEEN A LESSON OF THIS TERRIBLE CENTURY THAT BUREAUCRATIC APPARATUS CAN PUT INDIVIDUALS IN AN IMPOSSIBLE LABYRINTH, IN A PLACE OF NO EXIT, SUCH AS WAS DESCRIBED BY THE GREAT EXISTENTIALIST "WRITERS OF THE ABSURD" BY KAFKA, SARTRE, IONESCO, AND OTHERS, IN METAPHORS SO TERRIFYINGLY TYPICAL OF OUR AGE. THIS WAS THE HORROR POINTED TO JUST A MOMENT AGO BY THE DISTINGUISHED DELEGATE OF CANADA.

IN SHORT, MR. CHAIRMAN, WE ARE DISCOVERING THE FERTILITY OF "THE WILL TO FRUSTRATE". IT IS QUITE POSSIBLE THAT A STATE THAT DOES NOT WISH TO GRANT IN FACT, WHAT IT HAS GRANTED IN PRINCIPLE, WILL PURSUE ENDLESS BUREAUCRATIC EVASIONS. THUS WE ENCOUNTER THE POSSIBILITY OF A WILL ON THE PART OF A PARTICIPATING STATE NOT TO BECOME A MORE OPEN SOCIETY, A WILL TO PLACE A QUARANTINE AROUND HUMAN CONTACTS, A WILL TO FRUSTRATE--NOT TO PROMOTE--HUMAN CONTACTS.

MR. CHAIRMAN, I HASTEN TO ADD THAT OPENNESS IS ALSO A SOCIALIST IDEAL. THERE ARE IN OUR MIDST A NUMBER OF SOCIALIST STATES WHICH ARE ALSO OPEN. WE HAVE HEARD A GOOD MANY SPEECHES AROUND THIS TABLE ON THE SUBJECT OF SOCIALIST OPENNESS. INDEED, SECRETARY GENERAL GORBACHEV HAS CHOSEN THOSE TWO WORDS--"OPENNESS" AND "TRANSPARENCY"--TO DESCRIBE THE ADMINISTRATIVE IDEALS OF HIS REGIME, WHICH IS DECIDEDLY A SOCIALIST REGIME.

THEREFORE, THIS QUESTION OF OPENNESS DOES NOT POINT TO A DIFFERENCE BETWEEN SOCIALIST AND NON-SOCIALIST SYSTEMS. ON THE QUESTION OF OPENNESS, BOTH SOCIALIST AND NON-SOCIALIST SOCIETIES CAN BE AS ONE.

MR. CHAIRMAN, I HOPE YOU WILL ALLOW ME TO PROPOSE FOR MY OWN FURTHER REFLECTION, AND FOR THE ATTENTION OF MY COLLEAGUES, THE DREADFUL POSSIBILITY THAT ALL OF US NOW FACE. THE POSSIBILITY OF A SYSTEMATIC EVASIVENESS ON ADMINISTRATIVE MATTERS, IN ORDER TO FRUSTRATE THE FUNDAMENTAL PRINCIPLES TO WHICH THE HEADS OF STATES OF ALL OUR NATIONS MADE A MOST SOLEMN COMMITMENT. HERE WE FACE A REAL POSSIBILITY, AND WE SHOULD UNDERSTAND ITS SERIOUSNESS. IT IS ALTOGETHER POSSIBLE FOR A PARTICIPATING STATE TO EVISCERATE THE PHILOSOPHICAL PRINCIPLES OF CSCE BY FRUSTRATING THEM ADMINISTRATIVELY. IF WE WOULD ALLOW THIS TO HAPPEN, WE WOULD ALL BE ENGAGED IN A GREAT ILLUSION, A SYSTEMATIC EVASION, A DANCE OF PURE FAKERY.

IN ORDER TO BLOCK THIS NEW DANGER, MANY DELEGATIONS IN THIS ROOM HAVE NOW BEEN FORCED TO TAKE THE STEP, WHICH SHOULD NOT BE NECESSARY, OF TRANSLATING THE PHILOSOPHICAL PRINCIPLES OF THE FINAL ACT INTO ADMINISTRATIVE PRINCIPLES, IN ORDER TO PREVENT SUCH EVASION.

THUS, IN BME #5, FOR EXAMPLE, CARE HAS BEEN TAKEN TO SPECIFY THE AMOUNT OF TIME DURING WHICH APPLICATIONS FOR EXIT VISAS WOULD REMAIN VALID, AND IN OTHER PROPOSALS WE HAVE ALSO SPECIFIED THE TIME DURING WHICH CERTAIN THINGS MUST BE DONE, AND SO FORTH. THIS TRANSLATION OF PHILOSOPHICAL PRINCIPLES INTO ADMINISTRATIVE PRINCIPLES OUGHT NOT TO BE NECESSARY, IF ALL WERE PROCEEDING IN GOOD FAITH.

THEREFORE, MR. CHAIRMAN, I WOULD LIKE TO CALL THE ATTENTION OF MY COLLEAGUES TO THE SERIOUSNESS OF WHAT WE ARE NOW DOING. VIRTUALLY ALL OUR PROPOSALS MERELY TRANSLATE PHILOSOPHICAL PRINCIPLES INTO ADMINISTRATIVE PRINCIPLES. THIS DOES NOT REALLY ADVANCE THE ARGUMENT VERY MUCH, BUT IS IS NECESSARY. IF WE FAIL IN THIS TASK, IF WE FAIL IN THIS TRANSLATION FROM PHILOSOPHICAL PRINCIPLES INTO ADMINISTRATIVE PRINCIPLES, WE SHOULD BE FAILING TO MEET THE CHALLENGE WHICH SIR ALEX DOUGLAS-HOME SET BEFORE US ELEVEN YEARS AGO, AND WHICH I MENTIONED IN MY OPENING ADDRESS. WE SHOULD BE FAILING TO TRANSLATE THE BEAUTIFUL PHILOSOPHICAL PRINCIPLES OF THE FINAL ACT, WHICH INSPIRED SO MUCH HOPE AROUND THE WORLD, INTO THE ADMINISTRATIVE REALITIES THAT MAKE LIFE BETTER FOR ORDINARY PEOPLE EVERYWHERE. THANK YOU, MR. CHAIRMAN.

STATEMENT ON PROPOSAL BME. 13

MAY 7, 1986

MR. CHAIRMAN:

I WOULD LIKE TO INTRODUCE PROPOSAL BME. 13, CO-SPONSORED BY THE DELEGATIONS OF CANADA, THE FEDERAL REPUBLIC OF GERMANY, AND THE NETHERLANDS. THE OPERATIVE SECTION OF THIS PROPOSAL CALLS UPON THE PARTICIPATING STATES TO "REMOVE LEGAL AND OTHER OBSTACLES RESTRICTING OR INHIBITING CONTACTS ON THEIR OWN TERRITORY BETWEEN THEIR CITIZENS AND RESIDENT OR VISITING CITIZENS OF OTHER STATES."

MR. CHAIRMAN, IN VIEW OF THE CONVICTION EXPRESSED BY THE PARTICIPATING STATES IN THE FINAL ACT THAT "THE DEVELOPMENT OF CONTACTS...(IS)...AN IMPORTANT ELEMENT IN THE STRENGTHENING OF FRIENDLY RELATIONS AND TRUST AMONG PEOPLES," THIS MODEST PROPOSAL MAY AT FIRST SEEM UNNECESSARY. STATES WHICH SO SOLEMNLY AFFIRMED THE IMPORTANCE OF HUMAN CONTACTS, IT WAS EXPECTED, WOULD PROMPTLY REMOVE THOSE LEGAL AND ADMINISTRATIVE MEASURES THAT HAD INHIBITED THEIR CITIZENS FROM FREELY MEETING WITH FOREIGN VISITORS. IT IS, INDEED, A RUDE SURPRISE TO FIND THAT IN THE YEARS SINCE THE FINAL ACT--IN ONE OR TWO PARTICIPATING STATES--NEW AND HARSHER RESTRICTIONS HAVE BEEN IMPOSED. SADLY, SEVERAL PARTICIPATING STATES HAVE NOT, IN FACT, GONE FORWARD TO ENCOURAGE A GREATER DEGREE OF HUMAN INTERACTION. THEY HAVE STEPPED BACKWARDS. PROPOSAL BME. 13 IS, THEREFORE, NECESSARY, TO RECOVER LOST GROUND. IT MERELY SPELLS OUT WHAT THE FINAL ACT TOOK FOR GRANTED.

ONE OF THE MOST BLATANT OF THE NEW LAWS RESTRICTING HUMAN CONTACTS WAS INTRODUCED BY A PARTICIPATING STATE ON MAY 25, 1984. THIS LAW HAS BEEN QUESTIONED SEVERAL TIMES ALREADY IN THIS CONFERENCE. IT MAKES CITIZENS LIABLE TO FINES OF A CONSIDERABLE SUM (GIVEN THAT NATION'S MEDIAN INCOME), SIMPLY FOR VIOLATING SO-CALLED "RULES FOR STAY..... BY FOREIGN CITIZENS OR STATELESS PERSONS." THE DECREE SPECIFIES OTHER

FINES FOR CITIZENS WHO PROVIDE FOREIGNERS WITH "HOUSING OR MEANS OF TRANSPORTATION OR...OTHER SERVICES IN VIOLATION OF THE ESTABLISHED REGULATIONS."

ALAS, ONLY THE AUTHORITIES OF THAT STATE KNOW PRECISELY WHAT "THE ESTABLISHED REGULATIONS" REALLY ARE. THE EFFECT OF THIS DECREE IS TO DISCOURAGE CONTACTS BETWEEN CITIZENS AND FOREIGN VISITORS. IT QUARANTINES VISITORS, SEPARATING THEM FROM ORDINARY CITIZENS. THESE CITIZENS ARE PREVENTED FROM INVITING FOREIGN VISITORS TO STAY OVERNIGHT IN THEIR HOMES WITHOUT THE REQUIRED PRELIMINARY REGISTRATION WITH AUTHORITIES. CITIZENS ARE PREVENTED FROM PROVIDING FOREIGNERS WITH OTHER SERVICES SUCH AS THE USE OF A CAR OR ASSISTANCE IN PURCHASING TRAIN OR AIRLINE TICKETS. THEIR NATURAL FEELINGS OF HOSPITALITY ARE STIFLED. THEIR NATURAL URGE FOR OPEN HUMAN CONTACTS IS REPRESSED. THEIR NATURAL CURIOSITY AND OPENNESS ARE BLOCKED.

THE BROAD WORDING OF THE REGULATION OF MAY 25, 1984, MAKES IT APPLICABLE IN ANY SITUATION IN WHICH THE AUTHORITIES WISH TO PREVENT "UNAUTHORIZED" CONTACT EITHER WITH FOREIGN TOURISTS OR WITH OFFICIALLY SANCTIONED PROFESSIONAL VISITORS. THE REFERENCE TO "STATELESS PERSONS" SEEMS TO BE INTENDED TO INCLUDE A CATEGORY OF PERSONS WHO HAVE RENOUNCED THEIR CITIZENSHIP, A NECESSARY CONDITION IN APPLYING FOR EMIGRATION, AND WHO HAVE NOT YET BEEN ALLOWED TO LEAVE. IN ORDER TO EMIGRATE, THE LAW OBLIGES THEM TO BECOME STATELESS, AND BY REFUSING THEM PERMISSION TO LEAVE, AUTHORITIES KEEP THEM SO.

ANOTHER NEW LAW THAT AIMS AT LIMITING CONTACTS BETWEEN FOREIGNERS AND CITIZENS IS THE LAW OF THE SAME PARTICIPATING STATE, ON THE LEGAL STATUS OF FOREIGN VISITORS , PASSED IN JUNE 1981. THIS LAW CONSOLIDATED AND CODIFIED A NUMBER OF EXISTING PRACTICES. ITS EFFECT WAS TO SUBJECT FOREIGNERS TO THE SAME LEGAL AND EXTRA-LEGAL CONSTRAINTS THAT APPLY TO THAT STATE'S CITIZENS. IT GIVES THE AUTHORITIES BROAD DISCRETIONARY POWER TO PREVENT CONTACT BETWEEN FOREIGNERS AND CITIZEN ACTIVISTS, BOTH CIVIL AND RELIGIOUS.

UNDER THIS LAW, THOSE FOUND GUILTY OF TRANSGRESSING "RULES OF THE SOCIALIST COMMUNITY (OR) THE TRADITIONS AND CUSTOMS OF THE....PEOPLE" MAY BE DETAINED TO FACE CRIMINAL CHARGES OR BE EXPELLED. GIVEN THE EXPLICIT COMMITMENTS MADE BY HEADS OF STATES, AT HELSINKI AND FOREIGN MINISTERS AT MADRID, THESE "RULES" AND "TRADITIONS AND CUSTOMS" SHOULD BY NOW HAVE BEEN EXAMINED IN THE LIGHT OF INTERNATIONAL COMMITMENTS. BUT, ALAS, THEY ARE NOT EVEN CLEARLY SPELLED OUT.

NOT ALL RESTRICTIONS ON CONTACTS BETWEEN FOREIGNERS AND CITIZENS OF THAT STATE ARE ESTABLISHED IN LAW OR REGULATION. SOME ARE ENFORCED BY OTHER MECHANISMS. FOR EXAMPLE, FOREIGN JOURNALISTS, COMMERCIAL REPRESENTATIVES, STUDENTS, AND OTHER RESIDENT FOREIGNERS MUST PROVIDE ADVANCE NOTIFICATION TO THE GOVERNMENT OF ALL PLANNED TRAVEL BEYOND THE IMMEDIATE AREA WHERE THEY RESIDE. IN PRACTICE, THEY MUST ALSO BOOK TRANSPORTATION AND LODGING THROUGH GOVERNMENT AGENCIES. BOTH OF THESE MECHANISMS ARE REGULARLY USED BY THOSE AGENCIES TO CONTROL TRAVEL.

IN FEW COUNTRIES ARE HUMAN CONTACTS SO DELIBERATELY OBSTRUCTED. FOR EXAMPLE, THE AUTHORITIES OF THAT STATE OFFICIALLY ANNOUNCE THAT 80% OF THEIR NATION IS OPEN TO FOREIGNERS. HOWEVER, MOST FOREIGNERS VISITING OR TRAVELLING THERE MUST MAKE TRAVEL ARRANGEMENTS, INCLUDING ACCOMODATIONS, THROUGH THE STATE TRAVEL AGENCY. THEY MAY USE ONLY GOVERNMENT-APPROVED FACILITIES. AND THESE GOVERNMENT-APPROVED FACILITIES PROVIDE ACCESS ONLY TO APPROXIMATELY FIVE PERCENT OF THE TERRITORY OF THAT STATE. THUS, VAST STRETCHES OF THAT COUNTRY ARE OFF-LIMITS TO FOREIGNERS. NO OTHER PARTICIPATING STATE IS SO RESTRICTIVE. THE VAST MAJORITY OF PARTICIPATING STATES PERMIT FAR MORE OPEN TRAVEL, WITHOUT OFFICIAL PERMISSION, ALLOWING NON-OFFICIAL VISITORS TO MAKE THEIR OWN ARRANGEMENTS FREELY.

CONTACTS BETWEEN FOREIGNERS AND CITIZENS IN THAT STATE ARE FURTHER LIMITED, SINCE FOREIGNERS ARE USUALLY REQUIRED TO STAY

IN OFFICIALLY SANCTIONED HOTELS, AND CITIZENS OF THAT COUNTRY WHO DO NOT HAVE OFFICIAL PERMISSION FIND IT DIFFICULT TO ENTER SUCH HOTELS. GUARDS ARE STATIONED OUTSIDE TO KEEP ORDINARY CITIZENS AWAY, ONE OF THEM SEEK "UNAUTHORIZED" CONTACT WITH A FOREIGNER. TRAGICALLY, THESE RESTRICTIONS AT TIMES PREVENT MEETINGS BETWEEN FOREIGN VISITORS AND THEIR OWN RELATIVES. THESE RESTRICTIONS MAKE VISITORS FEEL QUITE ODD, LIKE CARRIERS OF A VIRUS. THEY ARE HUMAN BEINGS NOT ALLOWED TO COME IN GENUINE PERSON-TO-PERSON CONTACT WITH OTHER HUMAN BEINGS.

MR CHAIRMAN. THE NEED FOR THIS PROPOSAL IS NOT LIMITED TO ONE NATION. ALLOW ME TO DESCRIBE THE SITUATION IN TWO OTHER EASTERN EUROPEAN STATES. IN ONE OF THESE STATES, SEVERAL DECREES AFFECTING CONTACT WITH FOREIGNERS ARE NOT PUBLISHED, BUT DO HAVE THE FULL FORCE OF LAW. IT IS IN FACT AGAINST THE LAW TO MENTION THESE DECREES TO FOREIGNERS. OF COURSE, SOME CITIZENS SPEAK OUT ANYWAY. THUS MOST OF THE COUNTRIES HERE WITH DIPLOMATIC MISSIONS IN THAT COUNTRY KNOW ABOUT THESE DECREES. ONE SUCH LAW REQUIRES THAT EVERY CONTACT WITH A FOREIGNER, WHETHER OFFICIAL OR PRIVATE, WHETHER PLANNED OR COINCIDENTAL, MUST BE REPORTED TO THE POLICE WITHIN TWENTY-FOUR HOURS. RECENTLY THIS DECREE HAS BEEN EXTENDED TO REQUIRE PRIOR APPROVAL, IN CERTAIN CASES, FROM THE POLICE OR OTHER AUTHORITY.

OTHER LAWS IN THIS SAME COUNTRY, SOME PUBLISHED, SOME NOT, FORBID AN INDIVIDUAL TO OFFER HIS HOME AS LODGING TO A FOREIGNER, EVEN FOR A FRIENDLY OVERNIGHT VISIT, UNLESS THERE IS A CLOSE FAMILY RELATIONSHIP. "CLOSE RELATIONSHIP" IS EVEN DEFINED IN THE LAW TO MEAN ONLY PARENT, CHILD OR SIBLING.

FINALLY, THIS SAME COUNTRY HAS A VIBRANT RELIGIOUS LIFE, AND IN THE PAST USED TO ALLOW OPEN CONTACTS BETWEEN ITS PEOPLE AND THEIR CORELIGIONISTS FROM OTHER COUNTRIES. NOW THERE COME SHOCKING REPORTS OF A NEW DECREE FORBIDDING RELIGIOUS MINISTERS FROM FOREIGN COUNTRIES FROM PREACHING IN THIS COUNTRY'S CHURCHES. WE WILL RETURN TO THIS TOPIC AT A LATER POINT.

LET ME ALSO DESCRIBE HOW THE SECOND EASTERN EUROPEAN STATE HAS DISCOURAGED HUMAN CONTACTS EVEN FURTHER. IN THAT COUNTRY, THERE IS THE SO-CALLED "CONTACTS PROHIBITION" WHICH APPLIES TO MILLIONS OF PEOPLE, OR MORE THAN TEN PERCENT OF ITS POPULATION, ON THE BASIS OF THEIR EMPLOYMENT. TO THOSE IN THIS CATEGORY, ALL CONTACT WITH FOREIGN CITIZENS FROM THE WEST IS SIMPLY FORBIDDEN. THEY ARE NOT ALLOWED TO MAKE OR RECEIVE INTERNATIONAL PHONE CALLS, TO SEND OR RECEIVE INTERNATIONAL POST, TO ENGAGE IN CASUAL CONVERSATION WITH VISITORS TO THEIR COUNTRY, OR EVEN TO RETAIN THEIR SEAT IN A RESTAURANT IF A WESTERNER HAPPENS TO SIT AT THAT TABLE. THESE RULES DO NOT APPLY ONLY TO THAT STATE'S EXTENSIVE SECURITY SERVICE, BUT TO ORDINARY PEOPLE, INCLUDING FIREMEN, SOME TEACHERS, THE CUSTODIAL STAFF OF MILITARY OR SECURITY ESTABLISHMENTS, AND NEAR AND DISTANT RELATIVES OF PEOPLE WHO MIGHT HAVE SOME CASUAL CONTACT WITH THE BROAD RANGE OF ITEMS DEFINED BY THAT STATE TO BE "A STATE SECRET". TO GIVE JUST ONE EXAMPLE, AN ELDERLY MAN WAS FORBIDDEN TO VISIT HIS RELATIVES IN THE FEDERAL REPUBLIC OF GERMANY BECAUSE HIS CHILDREN WERE EMPLOYED BY A SHIPYARD. TEN PERCENT--OR MORE--OF THE POPULATION! NO OTHER COUNTRY SO COMPLETELY CUTS OFF FOREIGN CONTACT FOR SUCH A LARGE PROPORTION OF ITS OWN CITIZENS.

ON THE OTHER HAND, MY DELEGATION TAKES PLEASURE IN ACKNOWLEDGING THAT SEVERAL STATES THAT USED TO BE SIGNIFICANTLY CLOSED HAVE, UNDER THE STIMULUS OF THE FINAL ACT, RETURNED TO THE NORMAL HUMAN OPENNESS DICTATED BY COMMON SENSE. SOCIALISM, THEY FIND, IS QUITE COMPATIBLE WITH OPENNESS. THEY NOW PERMIT A CONSIDERABLY GREATER DEGREE OF INTERACTION BETWEEN THEIR CITIZENS AND VISITING FOREIGNERS THAN THEY DID A DECADE OR SO AGO. FROM THEIR COMMITMENT TO COMMON SENSE THEY HAVE REAPED SIGNIFICANT REWARDS, NOT SO MUCH IN THE ESTEEM IN WHICH SISTER STATES HOLD THEM, ALTHOUGH THAT, TOO, IS A PRECIOUS GOOD, AS IN THE IMPROVED MORALE AND ENERGY OF THEIR OWN PEOPLE. FOR THEIR GREATER DEGREE OF OPENNESS, THEY HAVE NOT BEEN PENALIZED; ON THE CONTRARY, THEY HAVE GAINED A GREAT DEAL, INTERNALLY AND EXTERNALLY.

THUS, THERE ARE POWERFUL REASONS TO HOPE THAT THE VERY FEW NATIONS STILL FEARFUL OF OPEN HUMAN CONTACTS, PERHAPS BECAUSE OF SAD PAST EXPERIENCES, WILL NOW ALSO EXPERIMENT IN THE WAYS OF OPENNESS AND TRANSPARENCY, AND THUS FULFILL THEIR OBLIGATIONS UNDER THE FINAL ACT AND MADRID CONCLUDING DOCUMENT. OUR OWN DELEGATION HOPES THAT THE ADOPTION OF THIS SMALL AND OBVIOUS PROPOSAL WILL HELP BREAK DOWN SOME OF THOSE BARRIERS, OLD AND NEW, WHICH HAVE BEEN ERECTED TO LIMIT HUMAN CONTACTS. ITS ADOPTION WOULD DO MUCH TO RESTORE THE CREDIBILITY OF CSCE COMMITMENTS, AND TO BUILD GENUINE CONFIDENCE AMONG PEOPLES AND BETWEEN STATES. ALL EUROPE WOULD BE A HAPPIER PLACE.

REMARKS (DELIVERED FROM NOTES ON
RELIGIOUS AND HUMAN CONTACTS (BME 26)

AMB. MICHAEL NOVAK WEDNESDAY, MAY 7, 1986
PLENARY SESSION, AM

MR. CHAIRMAN, I WOULD LIKE TO SPEAK TODAY ON A PROPOSAL THAT HAS NOT YET BEEN OFFICIALLY INTRODUCED, BME 26. MORE EXACTLY, I WOULD LIKE TO SPEAK ABOUT SOME OF THE IMPORTANT CONCEPTS THAT LIE BEHIND IT. MUCH HAS CHANGED IN THE FIELD OF RELIGION SINCE THE SECOND WORLD WAR, ESPECIALLY BECAUSE INTERNATIONAL CONTACTS HAVE GROWN MUCH CLOSER. IN UNIVERSITIES THROUGHOUT THE WORLD TODAY, ANYBODY WHO WOULD TEACH COURSES ABOUT RELIGION FACES QUESTIONS SELDOM FACED BEFORE. IN A CONTEMPORARY UNIVERSITY, THE MEANING OF "RELIGION" IS NECESSARILY DIFFERENT FROM WHAT IT WAS IN THE NINETEENTH CENTURY OR ANY EARLIER TIME. IT MUST BE SUPPOSED THAT THE AUTHORS OF THE HELSINKI DOCUMENT INTENDED THEIR WORDS TO HAVE CONTEMPORARY RELEVANCE. THEY MUST HAVE KNOWN THAT, TODAY, WHEN SCHOLARS USE THE WORD "RELIGION," THEY MUST TAKE INTO ACCOUNT ALL THE VARIOUS PHENOMENA FROM ALL AROUND THE WORLD THAT ARE SOMETIMES DESCRIBED UNDER THAT TITLE. CONSIDER THE FOLLOWING EXAMPLES:

WHEN ONE USES THE WORLD "RELIGION," IS ONE SPEAKING ABOUT A CHURCH? BUT SOME RELIGIONS IN THE WORLD ARE QUITE ANTI-CHURCH AND ANTI-INSTITUTIONAL.

--WHEN ONE USES THE WORD "RELIGION," IS ONE SPEAKING ABOUT THEOLOGY? BUT SOME RELIGIONS OF THE WORLD ARE QUITE ANTI-THEOLOGICAL, ANTI-CONCEPTUAL, ANTI-PROPOSITIONAL.

--WHEN ONE USES THE WORD "RELIGION," IS ONE SPEAKING ABOUT INWARDNESS? BUT SOME RELIGIONS IN THE WORLD HAVE A POWERFUL SOCIAL DOCTRINE, AND SPEAK DIRECTLY TO THE QUESTIONS OF POLITICS, ECONOMICS, PEACE, AND OTHER SOCIAL ISSUES.

--WHEN ONE USES THE WORD "RELIGION," IS ONE SPEAKING OF THEISM? BUT SOME RELIGIONS IN THE WORLD DO NOT USE THE NAME OF GOD, AND SOME EVEN CLAIM TO BE NON-DEIST, PREFERRING TO SPEAK OF NOTHINGNESS, OR EMPTINESS, ABNEGATIVE, AND THE LIKE.

THUS IN SPEAKING OF RELIGION WITHIN A COMTEMPORARY WORLD-VIEW, ONE MUST KEEP IN MIND NOT ONLY HINDUISM, ISLAM, BUDDHISM, JUDAISM, CHRISTIANITY, SHINTO, AND CONFUCIANISM, BUT EVEN ALL THOSE TOTAL SECULAR IDEOLOGIES THAT PLACE EACH PERSON WITHIN A SOCIAL STORY, GIVING MEANING TO HISTORY AND TO INDIVIDUAL LIFE--INCLUDING SUCH SECULAR IDEOLOGIES AS MARXISM. MANY SCHOLARS POINT OUT THAT KARL MARX DELIBERATELY DESIGNED SEVERAL BASIC PRINCIPLES OF MARXIST PHILOSOPHY AROUND KEY CONCEPTIONS OF APOCALYPTIC CHRISTIANITY. LIKE OTHER IDEOLOGIES, MARXISM ATTEMPTS TO GIVE MEANING TO HISTORY, HAS ITS OWN ETHIC, AND CLAIMS A UNIVERSAL SCOPE. ALL SUCH SYSTEMS, THESE DAYS, MUST ALSO BE TREATED IN UNIVERSITIES AS FORMS OF SECULAR RELIGION.

SECONDLY, MR. CHAIRMAN, THERE IS ANOTHER DIMENSION OF CHANGE CHARACTERISTIC OF OUR TIME: IN OUR DAYS, HUMAN CONTACTS OCCUR ON A PLANETARY SCALE. THEY INVOLVE THE MEETING OF STRANGER WITH STRANGER, THE MEETING OF CULTURE WITH CULTURE. HARDLY ANYONE THESE DAY IS UNAWARE THAT OTHERS IN THE WORLD ARE DIFFERENT. ALMOST EVERYWHERE WE SEE THE INTERPENETRATION OF WAYS OF LOOKING AT THE WORLD, OF STORIES, AND IMAGES, CONCERNING THE MEANING OF HISTORY. PEOPLES, WHATEVER THEIR OWN FAITH, TODAY KNOW AND MEET OTHERS WHO ARE OF DIFFERENT FAITHS. IN OUR TIME, HUMAN CONTACTS ARE INTERNATIONAL IN SCOPE AND BRING ABOUT THE CLASH OF MANY DIFFERENCES IN HOW INDIVIDUALS SEE THE WORLD, UNDERSTAND THEMSELVES, AND UNDERSTAND THEIR OWN RELATIONSHIP TO ONE ANOTHER AND TO HISTORY.

THIS IN FACT IS WHAT IS MOST HUMAN ABOUT US--OUR CAPACITY FOR SELF-REFLECTION. IN CONTACT WITH ALTERNATIVES, WE ARE CAPABLE OF SELF-DISCOVERY, IN WHOSE LIGHT WE SEE OURSELVES IN A DIFFERENT WAY THAN WE EVER DID BEFORE. WE ARE CAPABLE OF

SELF-INVENTION, ONCE WE SEE FROM OTHERS THAT WE DO NOT HAVE TO LIVE AS WE ARE NOW LIVING, BUT COULD CHOOSE TO LIVE RATHER DIFFERENTLY.

MR. CHAIRMAN, THIS IS WHERE THE TWO CONCEPTS OF RELIGION AND HUMAN CONTACTS COME TOGETHER. HUMAN CONTACTS ON A PLANETARY SCALE FORCE EACH HUMAN BEING TO RAISE QUESTIONS ABOUT THE WAY IN WHICH HE OR SHE IS NOW LIVING, NOW IMAGINES HIMSELF OR HERSELF, AND NOW COMES TO SOME UNDERSTANDING OF WHAT IT MEANS TO LIVE AS A HUMAN BEING. SUCH QUESTIONS ARE UNIVERSAL. IN A UNIVERSAL SENSE, THEY ARE TODAY WHAT IS MEANT BY RELIGION. THESE QUESTIONS COME MORE RAPIDLY, AND WITH GREATER POWER, PRECISELY BECAUSE OF THE INTERNATIONAL SCOPE OF HUMAN CONTACTS IN OUR TIME.

FOR THIS REASON, MR. CHAIRMAN, PERSONS CONCERNED ABOUT SUCH QUESTIONS, RELIGIOUS PERSONS IN A UNIVERSAL SENSE, HAVE A PROFOUND NEED OF CONTACTS WITH OTHERS. THEY NEED CONTACTS WITH BOOKS, NARRATIVES, AUTOBIOGRAPHIES, CONFESSIONS, THE RECORDS OF THE VOYAGES TAKEN BY OTHER HUMAN BEINGS. TO BE A HUMAN BEING TODAY IS TO SHARE IN THE QUESTIONS FACED BY OTHERS, AND TO SEE HOW AND WHY ONE IS DIFFERENT FROM OTHERS. ONE NEEDS CONTACT WITH OTHERS, IN ORDER TO QUESTION ONE'S OWN CONSCIOUSNESS. THUS, IN OUR TIME, RELIGION IS BEST CHARACTERISED AS A VOYAGE--EXPLORATORY, NEVER ENDING. THIS VOYAGE IS AT ONCE PERSONAL, IN THE DEPTHS OF CONSCIOUSNESS, AND SOCIAL, IN CONTACT WITH ALL OTHER HUMAN BEINGS. THIS VOYAGE IS WHAT DISTINGUISHES HUMANS FROM ALL THE OTHER ANIMALS AND FROM EVERY OTHER KNOWN PHENOMENON. IT IS WHAT MAKES US HUMAN. THIS VOYAGE TODAY CAN BE AS WELL-INFORMED AS IT HAS THE POSSIBILITY OF BECOMING--ONLY BY CONTACT WITH ALL OTHERS.

THEREFORE, MR. CHAIRMAN, WHEN THE FINAL ACT SPEAKS OF RELIGION, AND OF HUMAN CONTACTS, IT IS SPEAKING OF TWO THINGS, EACH OF WHICH IS ESSENTIAL TO THE OTHER. WHAT MAKES CONTACTS TRULY HUMAN IS THE QUESTIONS THEY RAISE FOR EACH PERSON ABOUT

HIS OR HER VOYAGE THROUGH LIFE, AS IT IS AFFECTED BY OTHERS. IN THIS WAY, RELIGION, IN THE BROAD SENSE IN WHICH I HAVE BEEN USING THE TERM, CONCERNS A PERSONAL AND SOCIAL VOYAGE OF GREAT IMPORTANCE TO BEING HUMAN--AND, SIMULTANEOUSLY, VERY MUCH IN NEED OF HUMAN CONTACTS FROM PERSON TO PERSON, SOCIETY TO SOCIETY. TO STRANGLE RELIGION, TO DEPRIVE IT OF BOOKS, TO DEPRIVE ITS PARTICIPANTS OF RIGHTS TO TRAVEL AND TO RECEIVE MAIL AND TO ACQUIRE MATERIALS, IS TO STRANGLE BOTH WHAT IS HUMAN, AND THE IMPORTANCE OF CONTACTS AMONG HUMANS, IN HELPING EACH PERSON TO GROW INTO HIS OR HER FULL POSSIBILITIES IN SUCH AN INTERNATIONAL WORLD AS OURS.

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MR. CHAIRMAN. THERE IS ONE OTHER CONCEPT I WOULD LIKE TO INTRODUCE. THAT IS THE QUESTION OF NATIONAL MINORITIES. OUR WORLD TODAY IS A WORLD OF MINORITIES. EACH PERSON IS BORN FROM THE BELLY OF A SINGLE WOMAN, INTO A SINGLE LANGUAGE, INTO A SINGLE CULTURE. EACH OF US BELONGS TO A SINGLE MINORITY ON THIS PLANET. YET WE HAVE HEARD MUCH IN OUR MEETINGS ALREADY ABOUT THE SUFFERINGS OF A VARIETY OF MINORITIES UPON THIS PLANET. AT THIS POINT, THEN, I WOULD LIKE TO RECALL THE IDEALS BEHIND THE FINAL ACT. I WOULD LIKE TO READ A WISE TEXT OF A PATRIOT OF HIS OWN MINORITY, AND A PROTECTOR OF OTHER MINORITIES. THIS TEXT WAS DELIVERED AS A SPEECH TO A NATIONAL ASSEMBLY FORTY-SIX YEARS AGO, BUT IT REMINDS US OF THE PRINCIPLES ON WHICH THE FINAL ACT IS BUILT.

IN 1940, BULGARIA WAS UNDER GREVIOUS PRESSURE FROM NATIONAL SOCIALISTS UNDER HITLER. SOME FANATICS TRIED TO RUSH THROUGH A "LAW FOR THE PROTECTION OF THE NATION." THIS WAS A LAW MEANT TO DEFINE JEWS AS THREATS TO THE NATION, AND TO MAKE THEM VULNERABLE--TO WHAT? TO DESTRUCTION. SUCH WAS THE FEROCITY AGAINST MINORITIES, WHEN A FORMER LEADER OF THAT COUNTRY, AND A MEMBER OF PARLIAMENT ROSE TO SPEAK. PERMIT ME NOW TO READ THE WORDS THAT HE DELIVERED ON NOVEMBER 19, 1940. I QUOTE:

"AS A MATTER OF FACT, LIFE IN OUR COUNTRY CONFIRMS THAT OUR STATE IS A NATIONAL STATE, IN SPITE OF THE FACT THAT ON BULGARIAN TERRITORY THERE EXIST ALSO OTHER NATIONALITIES AND OTHER RELIGIONS. JEWS, TURKS, ROMANIANS, GREEKS, A.O. NEVER, HOWEVER, HAVE THESE ALIEN ELEMENTS GIVEN US REASON TO QUESTION THE NATIONAL CHARACTER OF OUR STATE. ON THE CONTRARY. ALL THESE GROUPS WITH DIFFERENT RELIGION AND OF DIFFERENT NATIONALITY TAKEN TOGETHER HAVE NEVER, IN ANY WAY, CHALLENGED THE NATIONAL CHARACTER OF THE BULGARIAN STATE. THIS IS SOMETHING WHICH WE HAVE TO ACKNOWLEDGE BEFORE WE START TO LOOK FOR THE REASONS WHICH HAVE PROMPTED THE GOVERNMENT TO TRACK DOWN THE ENEMIES OF THE NATION AND TO SUGGEST MEASURES FOR THE PROTECTION AGAINST THESE ENEMIES.

"THE CREATORS OF OUR LAW OF THE LAWS, THE TIRNOVO CONSTITUTION, NEVER CONSIDERED THE PEOPLE PROFESSING OTHER RELIGIONS OR OF OTHER NATIONALITY AS ELEMENTS, WHICH ARE ANTI-NATIONAL IN RELATION TO THE STATE IN WHICH THEY LIVE. THEREFORE, NOWHERE IN THE CONSTITUTION, WHENEVER HUMAN RIGHTS AND GENERAL RIGHTS ARE MENTIONED, IS ANY KIND OF DISTINCTION MADE AMONG THE DIFFERENT NATIONALITIES LIVING IN OUR COUNTRY. EVERY CITIZEN OF BULGARIA ENJOYS THE SAME RIGHTS. AND ON THIS FACT RESTS OUR STRENGTH....

"LET ME REMIND YOU THAT DURING THE ERA OF KARAVELOV THE GYPSIES WERE DEPRIVED OF THEIR RIGHTS. THIS PROVOKED A PUBLIC UPROAR AND THE NATIONAL ASSEMBLY, UNDER THE PRESSURE OF PUBLIC OPINION, HAD TO RESTORE TO THE GYPSIES THEIR CONSTITUTIONAL RIGHTS. THE VIGILANT NATIONAL FEELING DID NOT ADMIT ANY DISCRIMINATION....

"I HAVE GOVERNED THIS COUNTRY. I HAVE ALWAYS BEEN A PROUD BULGARIAN, PROUD TO BELONG TO A PEOPLE WHICH ALWAYS HAS RESPECTED PRINCIPLES, RESPECTED THE HUMAN BEING AND GUARANTEED IT EVERY POSSIBILITY FOR FREE DEVELOPMENT. I HAVE ALWAYS BEEN ABLE TO CONFRONT FOREIGNERS WITH PRIDE

WHEN I DEFENSED THE CAUSE OF THE BULGARIANS LIVING BEYOND THE BORDERS OF OUR STATE, AND WHEN I COULD TELL THEM THAT I LIVE IN A COUNTRY, THAT I AM THE SON OF A PEOPLE WHICH TOLERATES ON ITS SOIL THE EXISTENCE OF OTHER RELIGIONS, OF OTHER NATIONALITIES, WHICH RESPECTS THE HUMAN BEING ALSO IN ITS ADVERSARY...."

THE "LAW FOR THE PROTECTION OF THE NATION", NEVER CAME INTO EFFECT. UNDER PRESSURE OF PUBLIC OPINION AND AFTER THE INTERVENTION OF THE NATIONAL ASSEMBLY AND THE KING, THE BULGARIAN JEWS WERE SAVED FROM DEPORTATION.

MR. CHAIRMAN, IT IS OBVIOUS THAT THIS TEXT HAS RELEVANCE TO DISCUSSIONS WE HAVE HEARD IN OUR MEETINGS. IT IS SOMETIMES IMPORTANT TO REMEMBER THAT THE WORDS OF ONE ELOQUENT AND BRAVE MAN CAN HAVE A POWERFUL EFFECT UPON HISTORY. BECAUSE OF THIS SPEECH, AND BECAUSE OF THE INTERVENTION OF THE BULGARIAN KING, THE "LAW FOR THE PROTECTION OF THE NATION" WAS NOT PASSED. AND THE JEWS OF BULGARIA WERE NOT DESTROYED, AS EARLIER BEFORE THEM THE GYPSIES HAD BEGUN TO BE DESTROYED.

MR. CHAIRMAN. WE ARE ALL MINORITIES. IT IS WELL TO RECALL, FROM TIME TO TIME, THAT THE SUFFERING THAT BEFALLS ONE MINORITY, SOON BEFALLS ANOTHER, AND THEN ANOTHER. THEREFORE, EACH OF US HAS AN INTEREST IN PROTECTING EVERY MINORITY.

IT IS WELL FOR EACH OF US TO REMEMBER THAT A BRAVE MAN, A PATRIOT, ONCE SPOKE UP TO DEFIND A MINORITY ENDANGERED IN HIS OWN COUNTRY, THUS TO DEFEND THE HONOR OF THE MINORITY IN THIS WORLD TO WHICH HE HIMSELF BELONGED.

THANK YOU, MR. CHAIRMAN.

("DELIVERED EX TEMPORATE FROM NOTES, AND RECONSTRUCTED FROM NOTES.)

INTRODUCTION OF BME 15. (FREE LABOR UNIONS)
AND SUPPORT FOR BME. 7 (NON-GOVERNMENTAL ORGANIZATIONS)
THURSDAY, MAY 5, P.M.

AMB. MICHAEL NOVAK
U.S. DELEGATION

MR. CHAIRMAN, IT HAS SOMETIMES BEEN ARGUED DURING OUR FRANK DIALOGUE THAT THERE IS AN UNBRIDGEABLE CHASM BETWEEN THE INDIVIDUAL AND THE ORGANIZED MASS, BETWEEN INDIVIDUALISM AND COLLECTIVISM. MY DELEGATION FLATLY REJECTS THAT VIEW. FOR EXAMPLE, TODAY WE INTRODUCE BME. 15 (ON CONTACTS BETWEEN FREE LABOR UNIONS), AND SPEAK IN CO-SPONSORSHIP OF BME. 7 (ON CONTACTS BETWEEN NON-GOVERNMENTAL ORGANIZATIONS). BOTH FREE LABOR UNIONS AND NON-GOVERNMENTAL ORGANIZATIONS ARE MEDIATING INSTITUTIONS. THEY STAND BETWEEN THE INDIVIDUAL AND THE STATE. THEY ARE SOCIAL IN NATURE, NOT INDIVIDUALIST. THEY ARE ASSOCIATIONAL, NOT COLLECTIVIST.

THESE MEDIATING INSTITUTIONS ARE CRUCIAL TO A FULLY HUMAN LIFE. THE INDIVIDUAL CANNOT LONG LIVE IN ISOLATION, APART FROM HUMAN COMMUNITY. GENUINE HUMAN COMMUNITY DEPENDS UPON THE CHOICE OF FREE INDIVIDUAL PERSONS, PERSONS OF CONSCIENCE AND CONCERN FOR OTHERS, WHO HAVE LEARNED THE SPIRIT OF COOPERATION AND TEAMWORK.

IT IS NOT TRUE, MR. CHAIRMAN, THAT IN ORDER TO WORK AS ONE, HUMAN BEINGS NEED TO BE ORGANIZED FROM THE TOP DOWN, THROUGH THE STATE. HUMAN BEINGS ARE COOPERATIVE ANIMALS. THEY ARE FREE ANIMALS, WHO REJOICE IN VOLUNTARILY JOINING TOGETHER IN SMOOTHLY OPERATING TEAMS. WE SEE METAPHORS FOR THIS SIMULTANEOUS RELIANCE IN GREAT PUBLIC SPORTS EVENTS. MILLIONS ADMIRE THE UNIQUE TALENTS AND FREE SPONTANEOUS CHOICES OF EACH INDIVIDUAL PLAYER; THEY KNOW THE NAMES OF EACH, BUT THE MILLIONS ALSO ADMIRE SMOOTH COOPERATION IN TEAM PLAY--IN EUROPEAN FOOTBALL AND NORTH AMERICAN BASEBALL, IN HOCKEY AND IN BASKETBALL, AND IN OTHER SPORTS. THESE PUBLIC LITURGIES OF

SPORT TOUCH SOME OF THE MOST PROFOUND HUMAN INSTINCTS OF ORDINARY PEOPLE EVERYWHERE. HUMAN BEINGS SPONTANEOUSLY ADMIRE: BOTH EXTRAORDINARY INDIVIDUALS--AND TEAMWORK.

ON THE ONE SIDE, EVERY INDIVIDUAL IS EXTRAORDINARY, UNIQUE, IRREPEATABLE. NO TWO PERSONS ARE ALIKE. ON THE OTHER SIDE, EVERY INDIVIDUAL IS ALSO SOCIAL, ENJOYS THE COMPANY OF OTHERS, AND DELIGHTS IN CONQUERING DIFFICULT TASKS IN UNITY WITH A WILLING BAND OF OTHERS. OF THESE, SHAKESPEARE WROTE FOUR CENTURIES AGO: "WE FEW, WE HAPPY FEW, WE BAND OF BROTHERS..."

SO IT IS, MR. CHAIRMAN, WITH LABOR UNIONS. FREE LABOR UNIONS ARE VOLUNTARY ASSOCIATIONS, FORMED FROM THE BOTTOM UP, NOT THE TOP DOWN. THEY ARISE FROM A MULTITUDE OF INDIVIDUAL CHOICES, THROUGH WHICH HUNDREDS, OR THOUSANDS, OR EVEN MILLIONS OF INDIVIDUALS THROUGH THEIR OWN SEPARATE FREE CHOICES BAND THEMSELVES TOGETHER.

MR. CHAIRMAN, OUR DELEGATION FAVORS HUMAN SYSTEMS, WHETHER OF SOCIALIST OR "MIXED" ECONOMIES, THAT PROMOTE A BROAD, DEEP SOCIAL LIFE, ROOTED IN HUMAN LIBERTY, RICH IN THE PRACTICE OF FREE ASSOCIATION. THAT IS WHY WE TAKE PLEASURE IN CO-SPONSORING, WITH THE DISTINGUISHED DELEGATIONS OF BELGIUM AND CANADA, BME. 15. THIS SMALL PROPOSAL, ALREADY OBSERVED BY A VAST MAJORITY OF PARTICIPATING STATES, BUT ALWAYS IN NEED OF NOURISHMENT AND INCREASED SUPPORT EVERYWHERE, CALLS UPON THE PARTICIPATING STATES TO "REMOVE EXISTING IMPEDIMENTS WHICH PREVENT FREELY ESTABLISHED TRADE UNIONS, THEIR MEMBERS AND THEIR REPRESENTATIVES FROM MAINTAINING CONTACT, COMMUNICATIONS AND ORGANIZATIONAL TIES WITH SIMILAR ORGANIZATIONS IN OTHER PARTICIPATING STATES WITHOUT NEED OF OFFICIAL SPONSORSHIP OR APPROVAL."

MR. CHAIRMAN, THE GOAL OF THIS PROPOSAL IS TO IMPROVE THE PROSPECT FOR CONTACTS BETWEEN FREE TRADE UNIONS, THEIR REPRESENTATIVES, AND MEMBERS AS CALLED FOR IN THE MADRID CONCLUDING DOCUMENT. IN DETERMINING WHETHER A TRADE UNION IS

FREELY ESTABLISHED, DEFINITIONS UNDER APPROPRIATE ILO CONVENTIONS AND RECOMMENDATIONS ARE INSTRUCTIVE. CRITICAL CRITERIA ARE THE RIGHT OF ASSOCIATION AND THE RIGHTS TO ORGANIZE AND BARGAIN COLLECTIVELY. THE RIGHT OF ASSOCIATION HAS BEEN DEFINED BY THE ILO IN FOUR STEPS, WHICH INCLUDE THE RIGHTS OF WORKERS AND EMPLOYERS: (1) TO ESTABLISH AND JOIN ORGANIZATIONS OF THEIR OWN CHOOSING, WITHOUT PREVIOUS AUTHORIZATION; (2) TO DRAFT THEIR OWN CONSTITUTIONS AND RULES; (3) FREELY TO ELECT THEIR OWN REPRESENTATIVES AND FORMULATE THEIR OWN PROGRAMS; AND (4) TO JOIN CONFEDERATIONS AND TO AFFILIATE WITH, OR TO REFRAIN FROM AFFILIATING WITH, INTERNATIONAL ORGANIZATIONS OF THEIR OWN CHOOSING.

THUS, FREE TRADE UNIONS ARE CRUCIAL MEDIATING STRUCTURES. THEY ARE NOT STATE-CONTROLLED; THEIR ORIGIN LIES IN THE FREE CHOICE OF INDIVIDUALS. THEY ARE NOT COLLECTIVIST, LIKE BEES IN A HIVE OR CATTLE IN A HERD; THEY ARE ASSOCIATIONAL, THE NATURAL EXPRESSION OF THE HUMAN BEING'S FREE PREFERENCE FOR JOINING TOGETHER FREELY TO ACCOMPLISH TASKS TOO LARGE TO BE ACCOMPLISHED BY ANY ONE INDIVIDUAL ALONE.

SOME WILL ASK, HOW CAN THERE BE RATIONAL ORDER, UNLESS THERE ARE A FEW TO GIVE ORDERS FROM ABOVE? HOW CAN THERE BE UNITY, IF MILLIONS OF INDIVIDUALS HAVE FREE CHOICE? HOW CAN A SOCIETY ESCAPE ANARCHY, WITHOUT COERCION? LONG AGO, SHAKESPEARE SHOWED HOW THINGS DISPARATE AND INDIVIDUAL, THINGS THAT SEEM TO WORK CONTRARIOUSLY, MAY FREELY END IN BLESSED UNITY. HE WROTE (IN KING HENRY V, ACT 1, SC. 2):

> MANY THINGS, HAVING FULL REFERENCE
> TO ONE CONSENT, MAY WORK CONTRARIOUSLY;
> AS MANY ARROWS, LOOSED SEVERAL WAYS,
> FLY TO ONE MARK; AS MANY WAYS MEET IN ONE TOWN;
> AS MANY FRESH STREAMS MEET IN ONE SALT SEA;
> AS MANY LINES CLOSE IN THE DIAL'S CENTER;
> SO MAY A THOUSAND ACTIONS, ONCE AFOOT,
> END IN ONE PURPOSE, AND BE ALL WELL BORNE
> WITHOUT DEFEAT.

ALAS, IN A VERY FEW PARTICIPATING STATES, THE CRITERIA FOR FREE LABOR UNIONS SET FORTH BY THE ILO HAVE NOT YET BEEN MET IN PRACTICE. LAWS AND PRACTICES IN SUCH STATES SIMPLY DO NOT ALLOW FOR THE CREATION AND FUNCTIONING OF FREELY ESTABLISHED TRADE UNIONS. THE FORMATION OF UNIONS THROUGH VOLUNTARY HUMAN CONTACTS, IN ACCORD WITH THE UNIVERSAL HUMAN RIGHT TO FREE ASSOCIATION, IS NOT ALLOWED TO BE EXERCISED IN PRACTICE. IN THOSE FEW STATES, NOT ONLY IS THE STATE THE ONLY OR THE PRINCIPAL EMPLOYER; IT IS ALSO THE ONLY COLLECTIVE REPRESENTATIVE OF THE EMPLOYEES. BETWEEN EMPLOYER AND EMPLOYEES THERE IS NO MEDIATING INSTITUTION--NO CHECK UPON ABSOLUTE POWER, NO COUNTERBALANCE.

IN SUCH PARTICIPATING STATES, THE PRIMARY RESPONSIBILITY OF TRADE UNION OFFICIALS IS TO GOVERNMENT (AND PARTY) RATHER THAN TO THE WORKERS. A CZECHOSLOVAK NEWPAPER STATED THIS POINT CLEARLY WHEN IT WROTE: "THE RELATIONSHIP BETWEEN TRADE UNIONS AND THE STATE IS ALWAYS DETERMINED BY WHO OWNS THE MEANS OF PRODUCTION AND WHOSE INSTRUMENT IS THE STATE WHICH PROTECTS THAT OWNERSHIP. IN THE CONDITIONS OF REAL SOCIALISM THE SLOGAN OF THE SO-CALLED INDEPENDENT TRADE UNION IS NOTHING BUT A DECEPTION. IT IS ALWAYS REACTIONARY. IT IS, IN FACT, AIMED AT WEAKENING THE MAIN INSTRUMENT FOR BUILDING AN ADVANCED SOCIALIST SOCIETY, THE SOCIALIST STATE." ACCORDING TO THIS DOCTRINE, UNIONS INDEPENDENT OF STATE CONTROL AND STATE INTERESTS HAVE NO RIGHT TO EXIST.

HARSH EXPERIENCE IN THE PAST DECADE HAS SHOWN THAT THE GOVERMENTS OF SOME PARTICIPATING STATES RUTHLESSLY DO SUPPRESS ANY ATTEMPT TO FORM INDEPENDENT UNIONS; ABOLISH THEM; OFTEN IMPRISON THEIR LEADERS AND MEMBERS; AND TRY BY ALL MEANS TO PREVENT THEM FROM ORGANIZING IN THE FIRST PLACE.

ONE OF THE MEASURES USED AGAINST SUCH ORGANIZATIONS AND PERSONS IS TO CUT THEM OFF FROM CONTACT WITH PERSONS AND

ORGANIZATIONS ABROAD, ESPECIALLY FREE TRADE UNIONS ELSEWHERE. THERE ARE, UNFORTUNATELY, MANY CONCRETE EXAMPLES THAT MUST BE CITED:

--IN 1984, UNITED AUTO WORKERS INTERNATIONAL REPRESENTATIVE JOHN CHRISTENSON WAS TOLD BY THE POLISH EMBASSY IN WASHINGTON THAT HE WOULD NOT BE GRANTED A VISA TO VISIT POLAND IF HIS VISIT WOULD INCLUDE ANY MEETINGS WITH SOLIDARITY MEMBERS. A FURTHER CONDITION, HE WAS TOLD, WOULD BE THAT UPON ARRIVAL HE MUST PUBLICLY ACKNOWLEDGE THE OFFICIAL TRADE UNION (OPZZ) AS THE SOLE LEGITIMATE WORKERS' ORGANIZATION. IN VIEW OF THESE CONDITIONS, HE DID NOT PROCEED WITH A FORMAL APPLICATION FOR A VISA.

--IN 1985, CHRISTENSON WAS INVITED TO VISIT THE SOVIET UNION. UPON INDICATING THAT HE WOULD SEEK OUT REPRESENTATIVES OF SMOT, THE SUPPRESSED INDEPENDENT SOVIET TRADE UNION, HE WAS VERBALLY INFORMED BY THE SOVIET AUTHORITIES THAT A VISA WOULD NOT BE ISSUED. AGAIN, NO FORMAL APPLICATION OR DENIAL OCCURRED.

--IN 1977, THE AFL-CIO, THE LARGEST ASSOCIATION OF FREE TRADE UNIONISTS IN THE WORLD, INVITED SIX SOVIET CITIZENS, (INCLUDING FOUR FREE DISSIDENT TRADE UNIONISTS, AND THE WIDOW OF ANOTHER) TO ATTEND THE 1977 AFL-CIO BIANNUAL CONVENTION. THE INVITATIONS WERE TAMPERED WITH ENROUTE, AND EXIT VISAS WERE DENIED.

--IN 1981 AND AGAIN 1983, LECH WALESA WAS INVITED TO THE AFL-CIO CONVENTIONS. HE WITHDREW HIS APPLICATIONS FOR EXIT VISAS WHEN THE POLISH GOVERNMENT REFUSED TO ASSURE HIM HE WOULD BE ALLOWED TO RETURN TO POLAND.

--AT THE TIME SOLIDARITY WAS STILL LEGAL IN POLAND, IT INVITED AFL-CIO PRESIDENT LANE KIRKLAND TO ATTEND ITS FOUNDING CONGRESS. THE POLISH GOVERNMENT REFUSED HIM A VISA.

MR. CHAIRMAN. ADOPTION AND IMPLEMENTATION OF THIS PROPOSAL WOULD MEAN THAT FREE TRADE UNIONISTS AROUND THE WORLD WOULD BE ABLE TO RECEIVE VISAS FROM EASTERN COUNTRIES IN ORDER TO VISIT, AS THEY CHOOSE, FREE TRADE UNIONISTS IN THOSE COUNTRIES. IT WOULD ALSO MEAN THAT WHEN THEY INVITE SUCH FREE TRADE UNIONISTS TO VISIT THEM, THE LATTER WOULD BE PERMITTED BY RIGHT AND BY NORMAL PRACTICE TO ACCEPT THE INVITATIONS. THIS IS ONLY COMMON SENSE AND COMMON PRACTICE, NO MORE THAN THAT.

AS THINGS NOW STAND, THE ONLY TRADE UNIONISTS PERMITTED BY MANY EAST EUROPEAN REGIMES TO TRAVEL OR TO RECEIVE VISITS ARE THOSE "OFFICIAL" UNIONISTS WHO ARE, IN THE EYES OF FREE U.S. TRADE UNIONISTS, MERELY GOVERNMENT REPRESENTATIVES. WERE THOSE EASTERN EUROPEAN REGIMES TO PERMIT FREEDOM OF CONTACTS AND TRAVEL FOR ALL TRADE UNIONISTS, INCLUDING THOSE ASSOCIATED WITH UNIONS OR WORKERS GROUPS UNCONNECTED TO OFFICIAL UNIONS, OUR FREE TRADE UNIONISTS HAVE SAID THAT THEY WOULD CERTAINLY RECONSIDER THEIR CURRENT INSISTENCE THAT U.S. LAW REMAIN AS IT IS, REGARDING THE REPRESENTATIVES OF OFFICIAL TRADE UNIONS IN CERTAIN COMMUNIST STATES.

AMERICAN FREE TRADE UNIONISTS REGARD OFFICIAL UNIONS IN COMMUNIST STATES AS INSTRUMENTS OF THE STATE, THE SOLE OR PRINCIPAL EMPLOYER, NOT AS TRUE EXPRESSIONS OF THE FREE CHOICE OF INDIVIDUAL MEMBERS. THEY WOULD, HOWEVER, DELIGHTEDLY WELCOME GENUINELY FREE ASSOCIATIONS OF TRADE UNIONISTS, OF ANY IDEOLOGY OR COUNTRY. THE TESTS OUR FREE TRADE UNIONISTS APPLY ARE TWO: GENUINE LIBERTY OF ASSOCIATION, INCLUDING THE RIGHT TO STRIKE AND TO ACHIEVE COLLECTIVE BARGAINING; AND RECIPROCITY. THIS LAST POINT, RECIPROCITY, IS COVERED IN THE WORDS OF BME. 15 IN THIS WAY: "THE RIGHT TO MAINTAIN CONTACTS COMMUNICATION AND ORGANIZATIONAL TIES WITH SIMILAR ORGANIZATIONS IN OTHER PARTICIPATING STATES WITHOUT NEED OF OFFICAL SPONSORSHIP OR APPROVAL."

MR. CHAIRMAN, THE SUPPORT BY CONSENSUS OF THE SMALL STEP FORWARD RECOMMENDED IN BME. 15 WOULD DO WONDERS TO GENERATE

ABUNDANT HUMAN CONTACTS BETWEEN FREE TRADE UNIONISTS IN OUR COUNTRY AND THOSE IN EVERY OTHER PARTICIPATING STATE. THE AMERICAN PEOPLE, AND AMERICAN FREE TRADE UNIONISTS, WOULD DEEPLY WELCOME THAT.

- (THE FOLLOWING WAS DELIVERED LATER IN THE SAME MEETING) -

MR. CHAIRMAN. MY DELEGATION IS ALSO A CO-SPONSOR OF PROPOSAL BME. 7, WHICH WAS INTRODUCED EARLIER BY MY DISTINGUISHED DANISH COLLEAGUE. THIS PROPOSAL DEALS WITH CONTACTS BETWEEN NON-GOVERNMENTAL ORGANIZATIONS AND INSITITUTIONS IN THE VARIOUS PARTICIPATING STATES.

MR. CHAIRMAN. MY DELEGATION'S EARLIER COMMENTS, QUITE RIGHTLY, FOCUSSED ON CONTACTS BETWEEN INDIVIDUALS AND ESPECIALLY BETWEEN MEMBERS OF THE MOST BASIC SOCIAL UNIT, THE FAMILY. HUMAN BEINGS ARE SOCIAL ANIMALS--BUT SOCIAL ANIMALS EACH OF WHOM IS FREE AND RESPONSIBLE. ALL CONTACTS BETWEEN HUMAN BEINGS THAT ARE FULLY HUMAN RESPECT BOTH SIDES OF HUMAN NATURE: THE SOCIAL SIDE AND FREE INDIVIDUAL CHOICE. THUS, MANY DELEGATIONS HERE IN BERNE HAVE RIGHTLY EMPHASIZED THAT HUMAN CONTACTS MUST, TO THE MAXIMUM EXTENT POSSIBLE, ORIGINATE IN THE CHOICES OF THE INDIVIDUALS INVOLVED, NOT IN THE STATE OR ANY OTHER COLLECTIVE UNIT. ON THE OTHER SIDE, INDIVIDUALS OFTEN AND NORMALLY ACT TOGETHER, IN SOCIAL INSTITUTIONS, NOT AS ROBINSON CRUSOES. (THAT, IN FACT, IS HOW ALL OF US HERE IN BERNE ARE PROCEEDING--ALTHOUGH EACH INDIVIDUAL AMONG US IS UNIQUE, WE COOPERATE TOGETHER AS A COMMON BODY.) RECOGNIZING THE NATURAL HUMAN INSTINCT FOR ASSOCIATION, FOR COOPERATION, FOR TEAMWORK, MY DELEGATION IS HAPPY TO CO-SPONSOR PROPOSAL BME. 7, IN ORDER TO EXPAND THE SCOPE FOR FREE ASSOCIATIONS ARISING FROM INDIVIDUAL CHOICE AND INDEPENDENT OF GOVERNMENT.

MR. CHAIRMAN, MEDIATING INSTITUTIONS OF THIS SORT ARE CRUCIAL TO THE ENHANCEMENT OF HUMAN ENERGY. ALONE, INDIVIDUALS CAN DO COMPARATIVELY LITTLE; TOGETHER THEY CAN DO GREAT THINGS. BUT HUMAN BEINGS ARE NATURALLY FAR MORE ENERGETIC WHEN

THEY ARE COOPERATING FREELY, OF THEIR OWN CHOICE, DOING WHAT THEY WANT TO DO. WHEN THEY WORK FREELY, AS A TEAM, INDIVIDUALS HAVE STRENGTH FAR BEYOND THEIR INDIVIDUAL STRENGTH ALONE. FREE ASSOCIATION IS THE FIRST LAW OF THE NEW SCIENCE OF POLITICS, ALEXIS DE TOCQUEVILLE BRILLIANTLY ARGUED 150 YEARS AGO. HISTORY HAS PROVED HIM RIGHT. INDIVIDUALS OPERATING ONLY IN COLLECTIVES NEED CONSTANT EXHORTATION FROM ABOVE. INDIVIDUALS ACTING IN TEAMS THAT THEY HAVE FREELY CHOSEN DISPLAY REMARKABLE ENERGY, EXCEEDING BY FAR SUCH ENERGY AS THEY MIGHT SUMMON UP ALONE .

NONETHELESS, WITH THIS PROPOSAL, BME. 7, OUR DELEGATION IS NOT SEEKING TO SUBSTITUTE COMPLETELY CONTACTS BETWEEN NON-GOVERNMENTAL OR UNOFFICIAL GROUPS FOR THOSE OF OFFICIALLY-SPONSORED OR APPROVED ORGANIZATIONS. WHILE WE STRONGLY BELIEVE THAT CONTACTS BETWEEN PRIVATE INDIVIDUALS AND MEDIATING INSTITUTIONS BEST PROMOTE HUMAN CONTACT AND MUTUAL UNDERSTANDING, WE RECOGNIZE THAT OTHER, LESS PERSONAL CONTACTS BETWEEN ORGANIZATIONS OF ALL TYPES ALSO HAVE SOME PLACE. WE REGRET THAT SOME PARTICIPATING STATES PERMIT ONLY OFFICIALLY-APPROVED ORGANIZATIONS TO EXIST. CONTACTS BETWEEN THOSE GROUPS AND FOREIGN ORGANIZATIONS ARE TIGHTLY CONTROLLED. ATTEMPTS AT CONTACTS ON THE PART OF "UNAPPROVED" ORGANIZATIONS TAKE PLACE ONLY AT GREAT HAZARD TO THE PERSONS INVOLVED, IF AT ALL.

THE FOSTERING OF MUTUAL UNDERSTANDING AMONG PEOPLES REQUIRES THAT ALL SHADES OF OPINION BE ENCOUNTERED. IT IS GOOD, EVEN NECESSARY, FOR OUR PEOPLES TO BE EXPOSED TO THE WIDEST POSSIBLE VARIETY OF HUMAN EXPRESSION. AN OFFICIALLY-SPONSORED OR APPROVED ORGANIZATION GENERALLY EXPRESSES OFFICIAL VIEWS. IT IS DESIRABLE THAT THE PEOPLES OF OUR COUNTRIES HAVE THE OPPORTUNITY TO HEAR SUCH VIEWS. IT IS ALSO ESSENTIAL THAT OUR PEOPLES, ON ALL LEVELS, BE ABLE TO DEAL DIRECTLY WITH PERSONS AND ORGANIZATIONS THAT OFFER DIFFERENT, NON-OFFICIAL, EYES-OPEN, AND CRITICAL PERSPECTIVES.

GOVERNMENTS OF ALL TYPES LIKE TO PROJECT A FAVORABLE IMAGE OF THEMSELVES. SOME OF THE DISTINGUISHED DELEGATIONS AMONG OUR CHERISHED COLLEAGUES HERE WHO ARE MOST CRITICAL OF MY OWN COUNTRY WOULD NO DOUBT AGREE WITH ME ON ONE POINT. THEIR OWN FILES ON THE FAILURES AND SHORTCOMINGS OF THE UNITED STATES WOULD BE FAR THINNER IF THEY HAD TO RELY SOLELY ON WHAT THE U.S. GOVERNMENT SAYS ABOUT ITSELF AND ABOUT AMERICAN SOCIETY. INDEED, A HIGH PROPORTION OF WHAT THOSE STATES PERMIT THEIR PEOPLES TO KNOW ABOUT THE UNITED STATES ORIGINATES IN THE FREE PRESS AND AMONG NON-GOVERNMENTAL ORGANIZATIONS IN THE UNITED STATES WHICH ARE CRITICAL OF VARIOUS ASPECTS OF AMERICAN SOCIETY. THANK GOD, THESE NON-GOVERNMENTAL ORGANIZATIONS EXPRESS THIS CRITICISM FREELY, AND COMMUNICATE WITH PERSONS AND ORGANIZATIONS IN OTHER STATES AT WILL.

NON-GOVERNMENTAL ORGANIZATIONS KEEP GOVERNMENT'S HONEST. GOVERNMENTS GENERALLY NEED THAT. NON-GOVERNMENTAL ORGANIZATIONS OFTEN GENERATE NEW IDEAS, IMAGINE NEW HORIZONS, AND HELP TO SHAPE THE AGENDA OF THE FUTURE. IF YOU WILL ALLOW ME TO SPEAK AS A THEOLOGIAN, I WOULD SAY THAT HUMANS WORKING FREELY TOGETHER AS A TEAM ARE IMAGES OF GOD--AND FOR THIS REASON ALONE IT IS NO SURPRISE THAT THEY ARE OFTEN SO CREATIVE. STATES WITHOUT NGO'S ARE PUNISHED, COMPARATIVELY, BY LETHARGY.

MR. CHAIRMAN, THE SECOND PART OF PROPOSAL BME. 7 DEALS WITH A MORE SPECIFIC PROBLEM. SOMETIMES A PERSON FROM ONE COUNTRY INVITED BY AN ORGANIZATION OF ANOTHER COUNTRY TO COME TO AN EVENT IN THE LATTER IS SUDDENLY REPLACED BY A PERSON NOT INVITED AT ALL BY THE INVITING ORGANIZATION. RATHER FREQUENTLY, AN ORGANIZATION HAS INVITED A PERSON FROM ONE OR ANOTHER EASTERN EUROPEAN COUNTRY TO ATTEND AN EVENT. THE PERSON ACCEPTS THE INVITATION. THEN, AT THE LAST MINUTE, THE PERSON ORIGINALLY INVITED IS TOLD BY HIS GOVERNMENT HE OR SHE CANNOT GO. THEN, WITHOUT THE CONSENT OF THE INVITING ORGANIZATION, ANOTHER PERSON IS SENT IN THE INVITEE'S PLACE. IT HAS HAPPENED ON OCCASION THAT THE SUBSTITUTE IS BY NO MEANS

DESIRED BY THE INVITING ORGANIZATION. THIS PART OF BME. 7 IS AIMED AT RESTORING COMMON COURTESY, COMMON LIBERTY, AND COMMON RESPECT FOR ONE ANOTHER'S WISHES.

WE THINK BME. 7 IS A SENSIBLE PROPOSAL, AND WILL PROFOUNDLY AND DEEPLY ENHANCE GENUINE HUMAN CONTACTS.

EX TEMPORE RIGHT OF REPLY TO THE USSR: ON LABOR UNIONS

AMB. MICHAEL NOVAK MAY 8, 1986 AFTERNOON
U.S. DELEGATION

(AFTER AN EMOTIONAL ATTACK BY VICTOR SHIKALOV OF THE SOVIET DELEGATION UPON THE HISTORY OF LABOR IN THE U.S.)

MR. CHAIRMAN. I WOULD LIKE, THROUGH YOU, TO THANK THE DISTINGUISHED DELEGATE OF THE USSR FOR HIS EMOTIONAL REMARKS. HEATED DEBATE, TOO, IS A FORM OF HUMAN CONTACT.

I WOULD LIKE TO THANK HIM, AS WELL, FOR SETTING AN ADMIRABLE EXAMPLE: HE HAS BEEN ABLE NOT ONLY TO OFFER HIS OWN PROPOSALS, BUT ALSO TO ATTACK THOSE MADE BY OTHERS. SOME OF THE REST OF US HAVE BEEN WORKING SO HARD SIMPLY IN ORDER TO PRESENT OUR OWN PROPOSALS, THAT WE ARE NOT QUITE READY TO DISCUSS ALL THE PROPOSALS (MORE THAN 40 NOW) WHICH HAVE BEEN FALLING LIKE THE SNOWFLAKES OF TWO OR THREE WEEKS AGO. I WOULD LIKE TO ASSURE THE DISTINGUISHED DELEGATE OF THE USSR THAT MY DELEGATION WILL SOON HAVE MANY QUESTIONS ABOUT THE SOVIET PROPOSALS.

THIRDLY, I WOULD LIKE TO THANK THE DISTINGUISHED DELEGATE OF THE USSR FOR MENTIONING AT ONE POINT, "THE WONDERFUL USA." (LAUGHTER.) AMIDST HIS BITING REMARKS, THAT PHRASE TOUCHED A WARM SPOT. (LAUGHTER.) AS FOR MYSELF, I WOULD NOT HAVE BEEN BOLD ENOUGH TO SAY IT. OURS IS A COUNTRY LIKE ANY OTHER. A BIG COUNTRY, IT HAS PERHAPS BIG FAULTS. BUT ONE THING I LIKE ABOUT OUR COUNTRY, FOR WHICH I AM GRATEFUL THAT MY GRANDPARENTS LONG AGO MOVED TO IT AND MADE ME ITS CITIZEN, IS THAT WE KEEP PLUGGING AWAY AT OUR FAULTS, TRYING AS BEST WE CAN TO CORRECT THEM.

I WOULD LIKE TO THANK THE DISTINGUISHED DELEGATE OF THE USSR, FURTHER, FOR STRENGTHENING MY CASE. IN STRESSING THE AIR

TRAFFIC CONTROLLERS AND OTHER STATE EMPLOYEES, BOTH OF WHOM HAVE THE STATE AS THEIR EMPLOYER, HE HELPED TO SHOW WHY WE IN THE UNITED STATES DO SOMEWHAT DISTRUST THE STATE. HE PERHAPS SEES NOW WHY WE MAKE A RATHER SHARP DISTINCTION BETWEEN LABOR UNIONS THAT HAVE THE STATE AS AN EMPLOYER, AND FREE TRADE UNIONS IN THE NORMAL SENSE OF THE TERM. IN OUR COUNTRY, THOSE WHO WORK FOR THE STATE HAVE A NO-STRIKE CLAUSE IN THEIR CONTRACTS, WHICH THEY SIGN UPON EMPLOYMENT. THIS CLAUSE BINDS THEM BOTH IN LAW AND IN CONSCIENCE.

AND FOR GOOD REASON. CONSIDER THE AIR TRAFFIC CONTROLLERS. EACH OF THEM HAD SIGNED A NO-STRIKE CLAUSE. SUPPOSE THEY HAD GONE ON STRIKE. IMAGINE, THEN, THE AIR SPACE OVER LAGUARDIA AIRPORT, OVER KENNEDY AIRPORT, OVER O'HARE AIRPORT, AND OVER ATLANTA AIRPORT--ALL OF THESE AMONG THE BUSIEST IN THE WORLD. WITH NO AIR TRAFFIC CONTROLLERS ON THE JOB, THESE WOULD HAVE BEEN LIVELY PLACES (LAUGHTER)--BOTH ON THE GROUND AND IN THE AIR. IN THAT CASE, THERE WERE REASONS FOR PROHIBITING A STRIKE, REASONS BOTH OF PUBLIC SAFETY, AND OF CONTRACTS BINDING BOTH IN LAW AND IN CONSCIENCE.

I WOULD LIKE TO THANK THE DISTINGUISHED DELEGATE OF THE USSR, AS WELL, FOR BRINGING UP THE TAFT-HARTLEY LAW. AS HE MENTIONED, THAT COMPLEX LAW IS NOW MORE THAN 30 YEARS OLD. I AM NOT A LAWYER, AND IT WOULD CERTAINLY TAKE A LAWYER TO EXPLAIN ALL ITS PROVISIONS, SINCE IT HAS BEEN AMENDED SO MANY TIMES. I AM SORRY THAT YOU HAVE TO RELY ON ME, SINCE WE HAVE SO MANY LAWYERS IN THE UNITED STATES THAT WE HAVE A SAYING: IF YOU TOOK ALL THE LAWYERS AND LAID THEM END TO END, ON THE WHOLE, IT WOULD PROBABLY BE A GOOD THING. (MUCH LAUGHTER.) TODAY, ALAS, WE WILL HAVE TO PROCEED WITHOUT A LAWYER. STILL, THERE ARE TWO POINTS ABOUT TAFT-HARTLEY I CAN MAKE.

FIRST, FREEDOM DOES NOT MEAN LAWLESSNESS. LIKE OTHER FREE CITIZENS, SO ALSO TRADE UNIONS LIVE UNDER THE LAW. WHY? BECAUSE IT IS ALSO THE LAW THAT PROTECTS THEM. LAW AND LIBERTY

GO TOGETHER. WE BELIEVE, IN OUR PHRASE, IN "LIBERTY UNDER LAW."

SECONDLY, ONE FEATURE OF THE TAFT-HARTLEY LAW, SOMETIMES HELPFUL, SOMETIMES PAINFUL, IS THAT UNDER CERTAIN CONDITIONS IT PERMITS THE DECLARATION OF A 90-DAY COOLING OFF PERIOD, DURING WHICH COLLECTIVE BARGAINING MAY CONTINUE. IF THAT IS NOT SUCCESSFUL, THEN THE RIGHT TO STRIKE AGAIN COMES INTO FORCE. THESE CONDITIONS INCLUDE PUBLIC SAFETY AND A GOOD THAT IS NATIONAL IN SCOPE, SUCH AS TRANSPORTATION.

THE DISTINGUISHED DELEGATE OF THE USSR MENTIONED TRANSPORTATION WORKERS, MEDICAL WORKERS, TEACHERS IN THE PUBLIC SCHOOLS AND SOME OTHERS, AS NOT BEING ABLE TO STRIKE. HE IS WRONG IN DETAIL, BUT NOTE THAT THESE ARE PROFESSIONS THAT MAY AFFECT THE PUBLIC SAFETY OR THE PUBLIC GOOD. THUS, IMPLICITLY, HE MAKES THE POINT THAT THE RIGHT TO STRIKE MUST BE MADE CONSISTENT WITH OTHER RIGHTS, AND THAT THESE VARIOUS RIGHTS SOMETIMES COME INTO CONFLICT. FOR THIS REASON, AS HE NOTED IN A DEROGATORY WAY IN SEVERAL REMARKS, RECOURSE IS OFTEN MADE TO THE COURTS. IN OUR COUNTRY, COURTS ARE INDEPENDENT AND HIGHLY PRIZED. SOMETIMES LABOR UNIONS, SOMETIMES THEIR INDIVIDUAL MEMBERS, AND SOMETIMES OTHER MEMBERS OF THE PUBLIC MAKE APPEAL TO THEM, IN ORDER TO PROTECT THEIR OWN RIGHTS IN COMPETITION WITH THE RIGHTS OF OTHERS. THE COURTS MUST THEN ADJUDICATE AMONG RIGHTS.

NEXT, I MUST NOTE THAT IN LISTENING TO THE PICTURE OF UNITED STATES LABOR HISTORY GIVEN BY THE DISTINGUISHED DELEGATE OF THE SOVIET UNION, ONE WOULD NEVER KNOW THAT THERE HAVE BEEN SUCCESSFUL STRIKES, ONE WOULD NEVER LEARN OF THE IMMENSE STRIDES FORWARD IN LIVING STANDARDS MADE POSSIBLE BY THE ACTIVITIES OF OUR LABOR UNIONS, AND ONE WOULD NEVER KNOW OF THE HIGH PAY SCALES ACHIEVED BY OUR LABOR UNIONS IN CERTAIN INDUSTRIES, SUCH THAT, COUNTING BENEFITS, SOME INDIVIDUAL WORKERS MAY BE BEING PAID AS MUCH AS $30 AN HOUR.

INDEED, ONE OF THE LOVELIEST BITS OF U.S. HISTORY, TOO OFTEN NEGLECTED, IS THE HISTORY OF LABOR. SINCE MY OWN FIELD IS PHILOSOPHY AND THEOLOGY, THE DISTINGUISHED DELEGATE OF THE SOVIET UNION COULD HAVE HAD NO WAY OF KNOWING THAT AT ONE POINT IN MY LIFE I WROTE A BOOK ON THE HISTORY OF THE UNITED MINE WORKERS, CONCERNING THE GREAT STRIKE OF 1897, A STRIKE CONDUCTED MOSTLY BY SLAVIC WORKERS, SPEAKING SLAVIC LANGUAGES, AND FOR THAT REASON LONG NEGLECTED BY HISTORIANS. A STRIKE WHICH FAILED IN ITS IMMEDIATE CONTEXT, BUT WHICH LED WITHIN SEVEN YEARS TO THE INTERVENTION OF THE PRESIDENT OF THE UNITED STATES, THEODORE ROOSEVELT, NOT ON THE SIDE OF THE MINE OWNERS, BUT ON THE SIDE OF THE MINERS. THE HISTORY OF AMERICAN LABOR UNIONS IS A LIVELY HISTORY.

IN OUR COUNTRY, MR. CHAIRMAN, FREEDOM MEANS CONFLICT. WE THINK OF THIS AS "CREATIVE CONFLICT." THIS IS WHY OUR LABOR UNIONISTS SO GREATLY LOVE LIBERTY.

FINALLY, MR. CHAIRMAN, ALTHOUGH REGRETFULLY, I WAS AWAY ON APRIL 27 AND 28, WHEN THE DISTINGUISHED DELEGATE OF THE SOVIET UNION LAST SPOKE ON LABOR UNIONS, I MUST NOTE THAT IN OUR TIME HUMAN CONTACTS DO NOT ALWAYS REQUIRE ONE'S PHYSICAL PRESENCE. ON EACH DAY OF MY ABSENCE (DURING WHICH I MISSED ALL OF YOU), I RECEIVED COPIES OF THE SPEECHES GIVEN HERE, AND IN PARTICULAR THE SPEECHES OF THE DISTINGUISHED DELEGATE OF THE USSR, ON THE VERY DAY THEY WERE GIVEN. I READ THEM INTENTLY.

IN PARTICULAR, I RECALL READING IN ONE OF THEM, OR PERHAPS IN A SPEECH GIVEN BY HIS COLLEAGUE A LITTLE LATER, THE ALLEGATION THAT AN AMERICAN TRADE UNIONIST NAMED (AS I BELIEVE I HEARD) JIM PERRY, FROM THE FIREFIGHTERS UNION IN LOS ANGELES, MADE DEROGATORY COMMENTS ABOUT THE UNITED STATES ON A VISIT TO MOSCOW ON MAY DAY. THE IMPRESSION WAS GIVEN HERE THAT THIS WAS MAY DAY, 1986, UNLESS I MISUNDERSTOOD THE TEXT, BUT IN TRUTH MR. PERRY WENT TO MOSCOW IN 1985. HIS GROUP WAS NOT ALLOWED TO DEVIATE FROM THE OFFICIAL SCHEDULE, NOT EVEN TO VISIT A FIRE

HOUSE THEY WERE PASSING, WHICH MR. PERRY WOULD HAVE LIKED TO VISIT, IN WHICH TO SEE HIS FELLOW FIREFIGHTERS AT WORK. THEN, WHEN HE RETURNED TO THE UNITED STATES, MR. PERRY WAS SENT A COPY OF A NOVOSTI PRESS RELEASE CONTAINING THE DEROGATORY COMMENTS ALLEGEDLY MADE BY HIM. NO SUCH INTERVIEW TOOK PLACE. MR. PERRY DENIED EVER MAKING SUCH STATEMENTS. HE WROTE A LETTER TO THE SOVIET EMBASSY IN WASHINGTON, PROTESTING THESE STATEMENTS FALSELY ATTRIBUTED TO HIM. HE STILL HAS NOT RECEIVED A REPLY FROM THE SOVIET EMBASSY, NOW A LITTLE MORE THAN A YEAR LATER.

I APOLOGIZE FOR SPEAKING ON THESE MATTERS, BEYOND OUR MANDATE, MR. CHAIRMAN. BUT IN SUCH CIRCUMSTANCES EACH DELEGATION HAS THE RIGHT TO REPLY, AND IT SEEMED TO ME TO BE MY OBLIGATION TO SET THE RECORD STRAIGHT. NOW, IF YOU WILL PERMIT ME, I WILL RETURN TO MY PREPARED REMARKS, IN SUPPORT OF THE PROPOSAL ON NON-GOVERNMENTAL ORGANIZATIONS. (AMB. NOVAK HERE TURNED TO HIS PREPARED TEXT. SEE SEPTEL.)

RELIGIOUS CONTACTS

SOL POLANSKY
U.S. DEPUTY DELEGATION CHIEF
MAY 9, 1986

MR. CHAIRMAN:

MUCH OF WHAT WE HAVE DISCUSSED DURING THE IMPLEMENTATION REVIEW PHASE IS WHAT HAS BEEN CALLED BY SOME "INDIVIDUAL CONTACTS", AS OPPOSED TO MASS CONTACTS. TODAY I WOULD LIKE TO DISCUSS A TYPE OF CONTACT THAT MAY BE CONSIDERED AS FALLING UNDER THE CATEGORY OF MASS CONTACTS, BUT IS IN FACT OF THE MOST PERSONAL AND INTIMATE IMPORTANCE TO THE INDIVIDUAL: RELIGIOUS CONTACTS.

THE UNITED STATES IS A COUNTRY THAT STRICTLY SEPARATES THE STATE FROM THE CHURCH, AND ZEALOUSLY GUARDS THE RIGHTS OF NON-BELIEVERS AS WELL AS BELIEVERS. STILL, ORGANIZED RELIGION AND PERSONAL BELIEF FLOURISH IN MY COUNTRY. NAME ANY RELIGION THAT EXISTS IN THE WORLD, AND I CAN ALMOST GUARANTEE YOU WILL FIND THAT FAITH'S ADHERENTS ACTIVE IN THE UNITED STATES. SO, RELIGIOUS CONTACTS CANNOT BE A MATTER OF INDIFFERENCE TO US. A BROAD RANGE OF CONTACTS ACROSS BORDERS BRINGS CHALLENGE, INSPIRATION AND COOPERATION TO RELIGIOUS INDIVIDUALS AND ORGANIZATIONS. FOR THE INDIVIDUAL, IT IS OFTEN A KEY INGREDIENT OF HIS DEVOTION TO GOD, HIS SERVICE TO MAN, HIS PERCEPTION OF A HIGHER TRUTH OR REALITY.

THE IMPORTANCE THAT PEOPLE OF ALL CULTURES ATTACH TO THEIR INDIVIDUAL BELIEFS IS SEEN IN THE VIGOROUS DEMONSTRATIONS OF RELIGIOUS OBSERVANCE IN COUNTRIES WHERE THE RIGHT TO SUCH OBSERVANCE CANNOT BE TAKEN FOR GRANTED. IT IS IN ORDER TOCONNECT THESE PEOPLE OF DISPARATE CULTURES, INCLUDING RELIGIOUSLY-ROOTED CULTURES, TO SHOW THE UNITY OF MAN DESPITE THE DIVERSITY OF SYSTEMS, THAT THE PARTICIPATING STATES IN THE CSCE PROCESS ACCEPTED THE COMMITMENT TO FOSTER SUCH CONTACTS AMONG RELIGIOUS ORGANIZATIONS AND FAITHS ACROSS BORDERS.

TOGETHER WITH OTHER DELEGATIONS REPRESENTED HERE, THE U.S. DELEGATION SEEKS IMPROVED COMPLIANCE WITH THE LETTER AND INTENT OF THIS COMMITMENT. TO UNDERSTAND THE PERTINENCY AND EVEN URGENCY OF THE ISSUE, CONSIDER THE ACTUAL SITUATION REGARDING RELIGIOUS CONTACTS IN A NUMBER OF CSCE SIGNATORY COUNTRIES.

PLEASE NOTE IN THIS CONNECTION THAT THE CONCLUDING DOCUMENT STATES THAT THE SIGNATORIES "WILL FURTHER IMPLEMENT" THE RELEVANT PROVISIONS OF THE FINAL ACT. UNFORTUNATELY, THIS OBLIGATION HAS NOT BEEN TAKEN TO HEART IN CERTAIN COUNTRIES. IN SIX OF THE PARTICIPATING STATES, RELIGIOUS BELIEVERS ARE TODAY IN JAIL FOR THE MERE TRANSPORTING OF RELIGIOUS MATERIALS. STRICT BORDER CONTROLS ON TRANSPORT OF BIBLES AND OTHER RELIGIOUS MATERIAL HAVE FRUSTRATED THE CONCLUDING DOCUMENT'S PROVISION THAT RELIGIOUS ORGANIZATIONS BE ALLOWED TO EXCHANGE INFORMATION. POSSESSING IMPORTED BIBLES IS DEFINED IN ONE PARTICIPATING STATE TO BE "ILLEGAL DISTRIBUTION OF LITERATURE", AND DEEMED A CRIMINAL OFFENSE. THIS SAME GOVERNMENT REFUSES TO ALLOW ANY LEGAL IMPORT OF BIBLES, ALTHOUGH RELIGIOUS COMMUNITIES IN THAT COUNTRY HAVE CONFIRMED THE NEED FOR HUNDREDS OF THOUSANDS OF BIBLES FOR THEIR MEMBERS. AWARE OF THIS DESIRE, THEIR CO-RELIGIONISTS IN THE WEST ARRANGED TO DONATE BIBLES. ANOTHER SPECIFIC EXAMPLE THAT MERITS ATTENTION IS THE FOLLOWING: IN CZECHOSLOVAKIA IN 1985, I REGRET TO SAY, THREE CATHOLIC SLOVAKS WERE SENTENCED TO TERMS RANGING FROM 32 TO 66 MONTHS FOR ATTEMPTING TO IMPORT RELIGIOUS MATERIALS FROM ANOTHER EASTERN EUROPEAN COUNTRY. SOME MAY SAY THAT THOSE INDIVIDUALS TECHNICALLY VIOLATED LAWS ON SMUGGLING, BUT IN THEIR OWN MINDS, THEY WERE CLEARLY EXERCISING THE RIGHT THEY THOUGHT WAS GUARANTEED THEM BY THE MADRID CONCLUDING DOCUMENT, THE RIGHT TO EXCHANGE RELIGIOUS MATERIALS WITH OTHER COMMUNITIES OF BELIEVERS.

MR. CHAIRMAN, THE BIBLE WAS PERHAPS THE FIRST GREAT MANIFESTO FOR PERSONAL LIBERATION. BUT IT IS DISMAYING THAT SOME GOVERNMENTS TREAT THE MOST WIDELY PUBLISHED BOOK IN THE WORLD AS A SUBVERSIVE TRACT, THREATENING TO NATIONAL SECURITY OR THE SOCIAL STRUCTURE OF THE STATE. THE BIBLE IS MERELY AN INDISPENSABLE ELEMENT OF THE RIGHT OF BELIEF NOMINALLY GUARANTEED BY THE CONSTITUTIONS OF THESE SAME STATES. GUARANTEEING SOMEONE RELIGIOUS FREEDOM WITHOUT ALLOWING HIM TO READ A BIBLE, OR ANY OTHER RELIGIOUS WORK IMPORTANT TO HIS CONSCIENCE, IS A MEANINGLESS FREEDOM. TO PREVENT THE IMPORTATION OF THE BIBLE IS, AS AMBASSADOR NOVAK STRESSED ON MAY 6, A CLEAR EXAMPLE OF THE USE OF ADMINISTRATIVE MEASURES TO FRUSTRATE THE PHILOSOPHICAL PRINCIPLES AT THE HEART OF THE FINAL ACT, SOLEMNLY SIGNED BY THE HEADS OF STATE OF THE CSCE PARTICIPATING STATES.

NOR CAN HARD CURRENCY SHORTAGES BE INVOKED IN THIS CONTEXT AS AN EXCUSE FOR PREVENTING SUCH IMPORTS. THERE ARE NUMEROUS PRIVATE ORGANIZATIONS IN THE WEST PREPARED TO MEET THE PALPABLE DEMAND FOR BIBLES IN SOME COUNTRIES OF EASTERN EUROPE. THE AUTHORITIES IN THESE COUNTRIES CLAIM THERE IS NO "DEMAND" FOR BIBLES IN THEIR COUNTRIES. IF THAT IS INDEED THE CASE, THOSE AUTHORITIES SHOULD CERTAINLY HAVE NO DIFFICULTY IN ALLOWING THEIR CITIZENS TO MAKE THAT CHOICE THEMSELVES.

I DO NOT MEAN TO IMPLY THAT BIBLES ARE THE ONLY IMPORTANT ITEMS OF RELIGIOUS LITERATURE EXCHANGED BY RELIGIOUS ORGANIZATIONS. A MULTITUDE OF CREATIVE WORKS FROM ALL FAITHS IS AN ESSENTIAL PART OF THIS PROCESS. IN A KIND OF CROSS-FERTILIZATION, THE DIFFERENT FAITHS OF THE WORLD CAN CONTRIBUTE TO THE BROAD CONSCIOUSNESS OF MAN, AND TO HIS LONGING FOR PERSONAL FULFILLMENT. A GOVERNMENT THAT SHOWS ITSELF AFRAID OF ITS CITIZENS SHARING IN RELIGIOUS PHILOSOPHY OR ACTIVITY IS A GOVERNMENT THAT DEPRIVES ITS PEOPLE OF A POTENTION SOURCE OF INSPIRATION, FEELING, PERCEPTION AND COMMITMENT.

THE EXCHANGE OF INFORMATION IS, OF COURSE, JUST ONE EXAMPLE OF RELIGIOUS HUMAN CONTACTS. ANOTHER EXAMPLE IS DIRECT CONTACT BETWEEN RELIGIOUS BELIEVERS, AND THAT SHOULD ALSO BE OUR FOCUS TODAY. MOST OF THE GOVERNMENTS REPRESENTED HERE, INCLUDING SOME IN EASTERN EUROPE, PERMIT FREE AND UNHINDERED TRAVEL FOR BELIEVERS, WHETHER THEY ARE TRAVELLING IN GROUPS OR SINGLY, AS PART OF A PRIVATE OR COMMUNAL MISSION. BUT OTHERS ARE NOT SO GENEROUS IN SPIRIT. ONE GOVERNMENT, WITH AN ISLAMIC POPULATION CONSTITUTING TEN PERCENT OF ITS CITIZENS, IS CURRENTLY IN THE PROCESS OF CHANGING THE NAMES OF THOSE CITIZENRY AND RESTRICTING TRADITIONAL RELIGIOUS PRACTICES, SUCH AS CERTAIN BURIAL RITES. WHAT COULD BE MORE MEAN-SPIRITED, SINCE THESE RITES HAVE AS THEIR PURPOSE THE COMFORTING OF GRIEVING FAMILY MEMBERS AND LOVED ONES. SINCE 1944, THAT GOVERNMENT HAS PERMITTED ONLY A HANDFUL OF ITS CITIZENS TO UNDERTAKE THE MOST HOLY DUTY OF A DEVOUT MUSLIM, A PILGRIMAGE TO MECCA.

SEVERAL SLAVIC COUNTRIES CELEBRATED LAST YEAR THE 1100TH ANNIVERSARY OF THE APOSTLE TO THE SLAVS, ST. METHODIUS. IN ONE OF THOSE COUNTRIES, POPE JOHN PAUL AND OTHER CATHOLIC LEADERS WERE INVITED BY THE CATHOLIC LEADERSHIP AND ORDINARY BELIEVERS OF THAT COUNTRY TO ATTEND THE FESTIVITIES. THE GOVERNMENT BLOCKED THE POPE'S VISIT AND DENIED VISAS FOR OTHER HIGH-RANKING CHURCH OFFICIALS.

STILL ANOTHER EASTERN EUROPEAN GOVERNMENT ALLOWS ONLY ORGANIZED CONTACTS BETWEEN CHURCH OFFICIALS SUBSERVIENT TO THE STATE AND WESTERN CHURCH GROUPS AND CO-RELIGIONISTS. THE PRINCIPLE TOPIC OF SUCH CONTACTS IS NOT RELIGIOUS ISSUES, BUT PUBLICITY FOR GOVERNMENT POLICIES. AT THE SAME TIME, THAT GOVERNMENT SUPRESSES INDEPENDENT RELIGIOUS FIGURES WHO DARE TO SAY THAT THE GOAL OF PEACE REQUIRES BOTH EAST AND WEST TO RETHINK THEIR POLICIES. SUCH INDIVIDUALS ARE NOT ALLOWED TO LEAVE THE COUNTRY, NOR ARE THEY GIVEN THE SAME OPPORTUNITY TO RECEIVE EMISSARIES OF RELIGIOUS ORGANIZATIONS WHO VISIT THE STATE-CONTROLLED RELIGIOUS BODIES.

WE WOULD, NEVERTHELESS, BE REMISS NOT TO RECOGNIZE PROGRESS IN THE AREA OF INCREASED RELIGIOUS CONTACTS. RECENTLY, THERE HAVE BEEN SOME FRUITFUL CONTACTS BETWEEN RELIGIOUS LEADERS OF THE SOVIET UNION AND OF THE UNITED STATES. VALUABLE KNOWLEDGE AND SPIRITUAL REFRESHMENT HAVE BEEN GAINED FROM SUCH CONTACTS. BUT AGAIN, WE ARE CONCERNED THAT THE FOCUS OF THESE CONTACTS IS MUCH MORE NARROW THAN IS JUSTIFIED BY THE LETTER AND THE SPRIRIT OF THE FINAL ACT AND THE CONCLUDING DOCUMENT. IN FAR TOO MANY CASES, THE DIALOGUE SEEMS TO EVOLVE INTO GENERALIZED FOREIGN POLICY PRONOUNCEMENTS DELIVERED BY RELIGIOUS OFFICIALS OF THE SOVIET UNION WHO APPEAR TO BE LITTLE MORE THAN SPOKESMEN FOR THEIR GOVERNMENT. HOW MUCH BETTER WOULD IT BE FOR MUTUAL UNDERSTANDING BETWEEN PEOPLES AND FAITHS, IF LAY ACTIVISTS, LOCAL CLERGY, AND ORDINARY MEMBERS OF CONGREGATIONS WOULD HAVE THE OPPORTUNITY TO WIDEN THEIR CONTACTS WITH, AND THEIR UNDERSTANDING OF, FELLOW BELIEVERS IN OTHER PARTS OF THE WORLD.

WITH RESPECT TO RELIGIOUS PUBLICATIONS AND RELATED MATERIALS, I MUST POINT OUT THAT SOVIET CLAIMS AS TO THE ADEQUACY OF THESE ITEMS FOR BELIEVERS DO NOT CORRESPOND WITH INFORMATION WE RECEIVE FROM BELIEVERS THEMSELVES. IF THIS WERE THE CASE, WHY WOULD SO MANY BELIEVERS, PARTICULARLY OF THE EVANGELICAL FAITH, GO TO GREAT LENGTHS TO OBTAIN BIBLES AND RELIGIOUS MATERIAL FROM ABROAD OR EVEN SEEK TO PUBLISH THEIR OWN? I REALIZE THAT THE MOSCOW PATRIARCHY OF THE RUSSIAN ORTHODOX CHURCH CLAIMS TO PUBLISH A SIGNIFICANT NUMBER OF BIBLES AND OTHER RELIGIOUS LITERATURE EACH YEAR, BUT A LARGE QUANTITY OF THESE ITEMS ARE DESIGNATED FOR EXPORT ABROAD, OR FOR DISPLAY IN CHURCHES AND RELIGIOUS SITES VISITED IN LARGE PART BY TOURISTS. INDEED, EVEN A TOURIST VISITING CHURCH SERVICES--UNANNOUNCED--AT THE ONLY OFFICIALLY-RECOGNIZED WORKING BAPTIST CHURCH IN MOSCOW CANNOT HELP BUT NOTICE THE PAUCITY OF BIBLES AND SONG BOOKS. THE SOVIET GOVERNMENT MAINTAINS THAT ITS PROHIBITION ON IMPORTING BIBLES IS OCCASIONED BY CONCERN THAT DOCTRINAL ERRORS MIGHT BE CONTAINED IN FOREIGN EDITIONS. SUCH CONCERN FOR THE SPIRITUAL WELFARE OF ITS BELIEVERS MIGHT BE COMMENDABLE, IF IT WERE NOT OUT OF CHARACTER WITH THE GOVERNMENT'S EFFORTS TO PROMOTE ATHEISM AMONG ITS CITIZENS, PARTICULARLY AMONG YOUNG PEOPLE AND SCHOOL STUDENTS.

MR. CHAIRMAN, IN TWO YEARS, THE SOVIET UNION WILL BE CELEBRATING THE MILLENIUM OF THE ACCEPTANCE OF CHRISTIANITY BY THE PEOPLES OF KIEVAN RUS'. THE IMPORTANCE OF THIS EVENT TO THE SLAVIC PEOPLES OF THE SOVIET UNION IS INDISPUTABLE. WE HOPE THAT THE ENTIRE WORLD WILL BE ABLE TO CELEBRATE THIS OCCASION TO THE FULLEST AND IN THE MOST APPROPRIATE MANNER.

MR. CHAIRMAN, I THINK IT IS EVIDENT THAT THE SOVIET UNION, HOWEVER GRUDGINGLY, ACKNOWLEDGES THE IMPORTANCE THAT SOME OF ITS CITIZENS ATTACH TO THE MAINTENANCE OF THEIR RELIGIOUS BELIEFS AND TIES TO CO-RELIGIONISTS ABROAD. IT IS, THEREFORE, BOTH PAINFUL AND PERPLEXING TO SEE HOW SOVIET AUTHORITIES ATTEMPT TO PREVENT THOSE OF THE JEWISH FAITH FROM LEARNING ABOUT THEIR RELIGION, LANGUAGE, AND CULTURE, AND FROM DEVELOPING AND MAINTAINING CONTACTS WITH MEMBERS OF THEIR FAITH IN THE WEST. THE REPRESSIVE MEASURES SOVIET AUTHORITIES HAVE TAKEN AND ARE TAKING ARE TOO NUMEROUS AND SUBSTANTIATED TO RECOUNT IN DETAIL HERE. BUT LET ME MENTION JUST A FEW--THEY CAUSE PUZZLEMENT AND DISMAY. A HEBREW-RUSSIAN DICTIONARY BY F.L. SHAPIRO, PUBLISHED BY THE SOVIETS THEMSELVES, HAS BEEN CONFISCATED ON NUMEROUS OCCASIONS FROM TRAVELERS TO THE USSR. HEBREW TRANSLATIONS OF WORKS BY YIDDISH AUTHORS SHOLEM ALEICHEM AND Y.L. PERETZ, AGAIN BOTH PUBLISHED IN THE USSR, HAVE ALSO BEEN CONFISCATED. EQUALLY DISMAYING IS THE CONTINUING EFFORT OF THE SOVIET AUTHORITIES TO PREVENT THE TEACHING OF THE HEBREW LANGUAGE BY MEMBERS OF THE JEWISH COMMUNITY TO CO-RELIGIONISTS WHO SEEK TO LEARN ABOUT THEIR RELIGION AND CULTURAL ROOTS. MR. CHAIRMAN, I COULD GO ON, BUT I THINK THESE EXAMPLES, AS WELL AS THOSES CITED BY OTHER SPEAKERS HERE, DEMONSTRATE THE DIMENSIONS OF THE PROBLEMS FACED BY THOSE MEMBERS OF THE JEWISH COMMUNITY

WHO WANT NOTHING MORE THAN THE REMOVAL OF THE SPECIAL DISABILITIES THAT PLAGUE THEM IN ORDER TO BE ABLE TO PURSUE THEIR RELIGIOUS AND CULTURAL INTERESTS.

MR. CHAIRMAN, THE U.S. DELEGATION FULLY SUPPORTS BME NO. 26, WHICH AIMS ONLY AT ONE THING: THE IMPLEMENTATION OF THE HELSINKI FINAL ACT AND MADRID CONCLUDING DOCUMENT WITH RESPECT TO RELIGIOUS CONTACTS.

THANK YOU MR. CHAIRMAN.

Right of Reply on Religion

Ambassador Michael Novak
Head, U.S. Delegation

May 9, 1986

Mr. Chairman, I am glad that the distinguished delegate of the USSR concluded with an appeal to memory. But the memory that has been most present to me, on this Memorial Day of the important victory in Europe of forty-one years ago, goes back a little earlier. On the day when our radio announced the invasion of Poland in 1939, when I was only six years old. I remember my father saying to me, words I didn't quite understand, that what was being announced in Poland was going to be the decisive event of my life. I remember hearing of the Ribbentrop-Molotov Agreement. I remember the movement of tanks against Poland, from Hitler's Nazi Germany on one side, and Stalin's Soviet Union on the other. World War II was a terrible war, and it did cost the awful bloodshed of fifty million lives, as our Soviet colleague mentioned. But we cannot forget who started it, and how it started.

Secondly, Mr. Chairman, I would like to ask my distinguished colleague from the Soviet Union whether certain exact words I heard in the English translation actually match(ed) the words he used in Russian. These were the exact words used in English: "The one holy subject of the Church is peace." Those were the exact words. About these words, I have three questions. Is it true that the one subject of the church is peace? Secondly, are there not other subjects of the historical churches of the Soviet Union, subjects like truth? Justice? THe examination of conscience? The wrath of a just God? Third, did not church people and many others in 1939 have to learn that there is a difference between "peace" and "appeasement," and that the word "peace" is, therefore, ambiguous? Is the one subject of the Church in the Soviet Union peace, or appeasement?

There is one other quotation that I heard in English, and I would ask my distinguished colleague is this is exactly what he meant in Russian. His words in English went exactly as follows: "In the Soviet Union, it is natural for churches to be obedient to government." Are churches in the Soviet Union "obedient to government," and is this taken to be natural? If that is so, it is not what most of use mean by church. It is not what most of us consider the natural relationship between church and government. But it would be important to our understanding to know if what my distinguished colleague said is actually true in the Soviet Union, that the churches are obedient to the government.

There is a further point, Mr. Chairman. I listened intently as my distinguished colleague described freedoms of religion under the Soviet Constitution, and other portions of Soviet law. It seemed to me, and I listened to him quite carefully, that the proposal "Bern Meeting of Experts Number 26" corresponds point by point to the provisions of the Constitution of the USSR, as our distinguished delegate presented them. (Here, Amb. Novak read through the phrases of BME No. 26 one by one, and asked of each of them, whether the right expressed in each -- to make contact with other believers and to communicate with them, to travel, to make pilgrimages, to be in contact through the mails, etc. -- were not protected in the Constitution of the USSR. The delegate from the Soviet Union had seemed to affirm only moments before that, one by one, each of these rights is in fact protected in the Soviet Constitution.) This analysis, Mr. Chairman, leads me to ask my distinguished colleague from the Soviet Union as simple question. Does not each provision of BME No. 26 correspond to a provision of the Constitution of the USSR? And if a Constitution of the USSR does permit each of them, does that mean that the Soviet delegation should be permitted to support BME 26? There certainly does not seem to be any conflict between the constitution of the USSR BME. 26. Have I understood correctly?

Mr. Chairman, a moment ago, the distinguished delegate of the USSR said that his delegation opposes BME. 26 because it gives privileges to believers, but not to atheists. I have read the text of BME. 26 quite carefully with that in mind. The text does hold the state to promote those contacts for religious persons which have already been defended in principle in the Helsinki Final Act and the Madrid Concluding Document. If it holds these things for believers, then *a fortiori*, it hold them also for atheists. I cannot imagine any of the traditional religions of the Soviet Union depriving atheists of contact with religious believers or religious communities, from making pilgrimages; from acquiring religious objects, and so forth. At the very least, based on the parables of the prodical son and the lost sheep, religious persons would more than welcome the attendance of unbelievers at religious functions. Quite clearly, the text of BME. 26 intends no discrimination whatever, but exactly the reverse.

Finally, Mr. Chairman, the distinguished delegate of the USSR mentioned the rights of Catholics of Lithuania. I wonder if he received, as I do, each issue of the chronicles of the Catholic church of Lithuania, a record of one of the bloodiest sagas of the acts of the martyrs in a very long time. There have been beatings. There have been murders. There have been imprisonments. There has been commitment to psychiatric hospitals. Lithuania knows again today the blood of martyrs. Thank you very much, Mr. Chairman.

ON MAIL AND POSTAL INTERFERENCE (BME. NO. 17)

AMB. MICHAEL NOVAK — MAY 13, 1986
U.S. DELEGATION

MR. CHAIRMAN,

I WOULD LIKE TO EXPRESS OUR DELEGATION'S SUPPORT FOR THE PROPOSAL SUBMITTED BY THE DELEGATIONS OF TURKEY AND THE UNITED KINGDOM AS BME NO. 17, WHICH RECOMMENDS THAT THE PARTICIPATING STATES GUARANTEE THE FREEDOM OF POSTAL COMMUNICATIONS IN ACCORDANCE WITH THE UNIVERSAL POSTAL CONVENTION; ENSURE RAPID, AND UNINTERRUPTED TELEPHONE SERVICE IN ACCORDANCE WITH THE INTERNATIONAL TELECOMMUNICATIONS CONVENTION AND RESPECT THE PRIVACY AND INTEGRITY OF ALL SUCH COMMUNICATIONS.

SUCH COMMUNICATON IS TODAY ONE OF THE MOST FUNDAMENTAL ELEMENTS OF HUMAN CONTACTS. THE WORLD TODAY IS LIKE A VILLAGE OF TWO OR THREE CENTURIES AGO; INSTANT COMMUNICATION KEEPS EVEN THOSE ON OPPOSITE SIDES OF THE GLOBE IN CONTACT. THUS, POSTAL AND TELEPHONE SERVICE IS A POINT WE SHOULD NOT EVEN HAVE TO DISCUSS HERE, IT IS SO ELEMENTARY. WITH REGARD TO MAIL, THE GUARDIAN WROTE ON FEBRUARY 10, 1976: "THE RIGHT OF PRIVATE CITIZENS TO RECEIVE LETTERS THROUGH THE POST MAY HAVE BEEN THOUGHT TOO ELEMENTAL FOR INCLUSION IN THE FAMOUS HELSINKIFINAL ACT. HOWEVER, THE DENIAL OF THIS RIGHT IS INCONSISTENT WITH THE GENERAL PRINCIPLES OF FREE CONTACT AND CERTAINLY WITH THE SPIRIT OF THE FINAL ACT." THIS RIGHT IS ELEMENTARY. WE SHOULD NOT HAVE HAD TO DISCUSS IT, BUT WE DO.

UNFORTUNATELY, THE GUARDIAN'S OPINION NOTWITHSTANDING, FREEDOM OF THE MAILS IS NOT PRACTICED IN ALL HELSINKI STATES. AS MANY DELEGATIONS HAVE EXPERIENCED, A FEW PARTICIPATING STATES ABRIDGE THE CLEAR, INTERNATIONAL RIGHT TO SEND--AND TO RECEIVE--POSTAL COMMUNICATIONS. THERE IS CLEAR EVIDENCE THAT MAIL TO AND FROM SEVERAL INTERNATIONALLY ACCLAIMED CITIZENS HAS BEEN TAMPERED WITH. IN 1981-2, CERTAIN EMIGRATION INVITATIONS WERE CONFISCATED EN MASSE. DOZENS OF LETTERS TO A FAMOUS SCULPTOR FROM HIS FRIENDS IN THE WEST NEVER REACHED THEIR DESTINATION. A PHOTO ALBUM OF ARCHITECTURAL MONUMENTS MAILED TO A PRIEST WAS RETURNED AS "FORBIDDEN FOR ENTRY." IN CERTAIN CASES, LETTERS ARE RETURNED WITH NOTATIONS STATING THAT THE ADDRESSEE IS NOT LOCATED AT THE INDICATED ADDRESS, WHEN IN FACT THE PERSON HAS BEEN THERE ALL THE TIME. SIGNED "ADVICE OF DELIVERY" FORMS ARE RETURNED WHEN LETTERS HAVE NOT BEEN DELIVERED. IN ADDITION, PARCEL POST PACKAGES ARE RETURNED WITHOUT JUSTIFICATION, DISAPPEAR, OR ARE OCCASIONALLY DELIVERED WITH SOME OF THE CONTENTS MISSING.

MR. CHAIRMAN, THE SECOND ASPECT OF THE PROPOSAL UNDER CONSIDERATION IS THAT OF TELEPHONE COMMUNICATIONS. ALL DELEGATIONS HERE KNOW THAT TELEPHONE CONVERSATIONS BETWEEN CITIZENS OF SOME STATES AND INTERLOCUTORS OVERSEAS HAVE BEEN DISCONNECTED IN THE MIDDLE OF THE CONVERSATION WHEN CERTAIN SUBJECTS ARE RAISED. CERTAIN PRIVATE TELEPHONES ARE DISCONNECTED, BY ORDER OF THE MINISTRY OF COMMUNICATIONS, AS "CONTRARY TO STATE INTEREST AND PUBLIC ORDER." DURING THE YEAR 1985, WE ARE AWARE OF AT LEAST SEVENTEEN SUCH CASES. WHEN AN INDEPENDENT PEACE ORGANIZATION SOLICITED IDEAS FOR ESTABLISHING TRUST BETWEEN THE PEOPLES OF EAST AND WEST, THE TELEPHONE IN THEIR APARTMENT WAS CUT OFF. THIS DESPITE THE FACT THAT THE CONSTITUTION OF THAT COUNTRY GUARANTEES THE SECRECY OF POSTAL, TELEPHONE, AND TELEGRAPHIC COMMUNICATIONS.

LIKE OTHERS IN EUROPE, OUR MANY CITIZENS WITH RELATIVES IN A CERTAIN COUNTRY WERE DEEPLY DISAPPOINTED AT THE DECISION BY ITS AUTHORITIES IN 1982 TO DISCONTINUE INTERNATIONAL DIRECT DIALING SERVICE. WHY WAS THIS DONE? THE OFFICIAL REPLY WAS:

"TECHNICAL REASONS". THAT COUNTRY IS NOT A BACKWARD COUNTRY IN SUCH MATTERS; THE MECHANICAL AND ELECTRONIC TECHNOLOGIES ARE AVAILABLE. IN TECHNOLOGICAL TERMS, IT APPEARS THAT DIRECT DIALING CAN BE RESTORED AT ANY TIME TO AT LEAST THE LEVEL THAT HAD BEEN AVAILABLE BEFORE.

MR. CHAIMAN, WHO AMONG US--NO MATTER WHERE UPON THIS EARTH HE OR SHE MAY LIVE--DOES NOT WISH TO HEAR THE VOICE OF A LOVED ONE, TO RECEIVE A LETTER OR GIFT FROM A FRIEND, OR A PHOTO OF A GRANDCHILD, OR TO INQUIRE ABOUT THE HEALTH OF RELATIVES IN DISTANT LANDS? AND WHO WOULD IN PRINCIPLE DENY THAT RIGHT, IN ANY OF THE POLITICAL OR ECONOMIC SYSTEMS IN WHICH WE LIVE? THIS IS A PRINCIPLE ALL OUR NATIONS HAVE SUPPORTED IN THE PAST.

MR. CHAIRMAN. A U.S. SENATOR HAS ASKED ME TO RAISE ANOTHER POINT, WHICH FITS WITHIN OUR MANDATE. MANY UKRAINIAN AMERICANS IN PENNSYLVANIA, ILLINOIS, NEW YORK AND OTHER STATES OF THE UNITED STATES, HAVE TRIED FRANTICALLY TO MAKE TELEPHONIC CONTACT WITH THEIR RELATIVES NEAR KIEV. MR. CHAIRMAN, IF IT WERE POSSIBLE FOR THE NEAR FUTURE, ON AN EMERGENCY BASIS, TO OPEN UP SPECIAL ADDITIONAL TELEPHONE LINES BETWEEN THE REGION OF KIEV AND UKRAINIAN FAMILIES AROUND THE WORLD, MUCH COMFORT WOULD BE GIVEN TO MANY FAMILIES.

MR. CHAIRMAN, BY OUR ACCEPTANCE OF BME. NO. 17, WE WILL STRENGHTEN OUR LONG-STANDING COMMITMENT, THROUGH THE HELSINKI PROCESS, TO ONE OF THE BASIC PRINCIPLES OF HUMAN CONTACTS, THE RIGHT TO COMMUNICATE FREELY ACROSS BORDERS BY POST AND BY TELEPHONE. IT IS FITTING THAT WE SHOULD DO THIS IN BERN, HOME OF ONE OF THE ORIGINAL INTERNATIONAL AGREEMENTS ON THESE MATTERS. TO DO SO WILL HONOR OUR HOSTS. AND IT WILL BRING OUR PEOPLES A LITTLE CLOSER.

REMARKS ON THE CRITERIA FOR A FINAL DOCUMENT AT BERN HCEM

AMBASSADOR MICHAEL NOVAK MAY 14, 1986
U.S. DELEGATION

MR. CHAIRMAN: I WOULD LIKE TO ASSOCIATE MYSELF WITH THE WISE COMMENTS ABOUT THE CRITERIA FOR A FRUITFUL FINAL DOCUMENT MADE TODAY BY THE DISTINGUISHED DELEGATES OF THE NETHERLANDS AND OF CANADA. IT IS CERTAINLY TRUE THAT WE CANNOT HAVE A DOCUMENT THAT FALLS BELOW THE STANDARDS SET BY THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT. IT IS ALSO TRUE THAT OUR MANDATE CALLS UPON US TO STUDY "THE DEVELOPMENT OF HUMAN CONTACTS", WHICH MEANS THAT WE MUST REGARD THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT NOT AS FINISHED MARBLE STATUES, IN THE METAPHOR OF THE DISTINGUISHED DELEGATE OF CANADA, BUT AS LIVING PROCESSES. THE CSCE PROCESS IS A PROCESS, AND IN ORDER TO LIVE IT MUST CONTINUE TO DEVELOP .

BUT THE DISTINGUISHED DELEGATE OF THE SOVIET UNION ALSO SUPPLIED ONE CRITERION FOR A FINAL DOCUMENT, WHICH SEEMS TO BE IMPORTANT TO HIS DELEGATION. TO BE SURE, HE DEFINED THIS CRITERION IMPLICITLY RATHER THAN EXPLICITLY, BUT IT WAS PRESENT IN AN UNMISTAKABLE WAY IN ALL THE COMMENTS HE MADE, PARTICULARLY ABOUT NON-GOVERNMENTAL ORGANIZATIONS AND INSTITUTIONS. IN EACH OF THE PROPOSALS WHICH THE DISTINGUISHED DELEGATE OF THE USSR SUPPORTED, HE TOOK PAINS TO STRESS THE ROLE OF THE STATE. THIS WAS PARTICULARLY CLEAR IN HIS COMMENTS ON THE PROPOSAL ON TOURISM, IN WHICH HE REPLIED TO THE DISTINGUISHED DELEGATE OF FRANCE THAT TOURIST AGENCIES ARE NOT SUFFICIENT AND NEED THE HELP AND EVEN THE DIRECTION OF AUTHORITIES.

THUS, IT SEEMS THAT SOME DELEGATIONS SET AS THEIR CRITERION FOR A FINAL DOCUMENT THE ACCEPTANCE OF ALL THOSE ELEMENTS THAT STRENGTHEN THE POWER OF THE STATE, WHEREAS OTHER DELEGATIONS ARE DEEPLY CONCERNED ABOUT THE AGGRANDIZEMENT OF THE STATE. IT IS THE STATE, AFTER ALL, WHICH SO OFTEN PROHIBITS HUMAN

CONTACTS, SO OFTEN GETS IN THEIR WAY, AND SO OFTEN MAKES HUMAN CONTACTS ADMINISTRATIVELY VERY DIFFICULT, IF NOT IMPOSSIBLE.

MY DELEGATION ALSO EXPRESSES, LIKE THE SOVIET DELEGATION, A CERTAIN UNHAPPINESS ABOUT THE CURRENT PACE OF PROGRESS, BUT NOT FOR IDENTICAL REASONS. THERE ARE MANY KINDS OF RACES, AND IN EACH THE PACE OF THE RUN SHOULD BE APPROPRIATE TO THE DIFFICULTY OF THE TERRAIN, THE LENGTH OF THE RUN, AND THE STRENGTH OF THE RUNNERS. SOMETIMES THOSE WHO DASH, WHEN THE RACE IS VERY LONG, FALL SHORT OF BREATH AND ACHIEVEMENT. THEREFORE, OUR DELEGATION STRONGLY RECOMMENDS A PACE THAT IS NEITHER TOO FAST NOR TOO SLOW, BUT EXACTLY APPROPRIATE TO THE DISTANCE WE MUST RUN AND TO THE TERRAIN WE MUST COVER.

IN OUR PRESENT WORK, WE FACE 46 PROPOSALS, EACH SUFFICIENTLY COMPLEX IN ITSELF. IN ADDITION, AS IS APPROPRIATE TO THE CSCE PROCESS, WE WORK HERE NOT BY A MAJORITY VOTE, BUT BY A CONSENSUS. THERE ARE THIRTY-FIVE DELEGATIONS, EACH ONE OF WHICH IN EFFECT HAS VETO POWER. ALL THIRTY-FIVE MUST BE PERSUADED BEFORE ANY PROPOSAL CAN BE ADOPTED. IF WE DID WORK BY MAJORITY VOTE, I THINK A GREAT MAJORITY OF THE WESTERN PROPOSALS WOULD PASS BY AN OVERWHELMING VOTE. BUT WE DO NOT WORK IN THAT WAY. THEREFORE, ON ALL 46 PROPOSALS, WE MUST ACHIEVE CONSENT BY EACH OF THIRTY-FIVE DELEGATIONS. THIS MEANS A PROCESS OF NEGOTIATION, AND EVEN A PROCESS OF DISCOVERING THE BASIC INFORMATION CONCERNING KEY WORDS IN EACH PROPOSAL, THAT IS VERY COMPLEX. IN THIS LARGER AND WIDE RANGING PROCESS, ALL OF US ARE ALREADY DEEPLY ENGAGED. IT WOULD BE A MISTAKE TO ABANDON THIS DIFFICULT BUT NECESSARY WORK, IN ORDER TO PLACE CONTROL OVER OUR DOCUMENT IN THE HANDS OF A VERY SMALL CONTACT GROUP, LONG BEFORE THE NECESSARY INFORMATION AND NECESSARY ACTS OF CONSENT HAVE BEEN ACCUMULATED.

AN IMPORTANT FORM OF DRAFTING IS NOW GOING ON. IT HAS NOT YET MET IN ONE CENTRAL STEERING GROUP. BUT IT HAS ALREADY BEGUN IN POLYCENTRIC DISCUSSIONS OF INCREDIBLE COMPLEXITY, FOUR OR FIVE SPONSORING NATIONS AT A TIME. SOME OF THESE CIRCLES

DISCUSS ONE PROPOSAL, SOME ANOTHER. THERE ARE 46 PROPOSALS TO TREAT IN ALL, AMONG 35 NATIONS. SO THESE POLYCENTRIC GROUPS HAVE THE ARCHITECTURE OF A SWISS SNOWFLAKE. I HAVE BECOME SOMETHING OF AN EXPERT ON SWISS SNOWFLAKES DURING THESE SEVEN WEEKS. THEY OFTEN TREMBLE ON THE BRINK BETWEEN RAIN AND SNOW, ARE LARGE, AND CRYSTALLIZE ONE BY ONE. SO IT IS WITH OUR PROPOSALS. THE PROCESS OF CRYSTALLIZING EACH OF THEM HAS ALREADY BEGUN.

THEREFORE, MR. CHAIRMAN, OUR DELEGATION WOULD LIKE TO GO ON RECORD AS SAYING THAT A FORM OF NEGOTIATION HAS ALREADY BEGUN, EVEN THOUGH WE HAVE NOT YET FORMED A SMALL CONTACT GROUP. THANK YOU, MR. CHAIRMAN.

REMARKS ON ENTRY VISAS AND EXIT VISAS
(COMMENTS ON BME 20, 27, 34 & 41)

DELIVERED EXTEMPORANEOUSLY, RECONSTRUCTED FROM NOTES

MICHAEL NOVAK THURS., MAY 15, 1986 (AM)
U.S. DELEGATION

IN KEEPING WITH OUR CUSTOM OF ANNIVERSARIES, MY DELEGATION WOULD LIKE TO NOTE THAT THIS WEEK WE CELEBRATE THE TENTH ANNIVERSARY OF THE FOUNDING OF HELSINKI MONITORING GROUPS. MY DELEGATION WOULD LIKE TO EXPRESS ITS PERSONAL ADMIRATION FOR THOSE WHO HAVE SUFFERED SO MUCH TO FURTHER THE CSCE PROCESS IN WHICH WE ARE ALL ENGAGED, AND WE WOULD LIKE TO EXPRESS OUR GRATITUDE TO ALL THOSE OTHERS WHO, WHILE NOT SUFFERING SO MUCH, NONETHELESS WORK VERY HARD AND CAREFULLY IN MONITORING GROUPS IN AT LEAST SEVENTEEN OTHER PARTICIPATING NATIONS. THESE NON-GOVERNMENTAL ORGANIZATIONS MONITOR COMPLIANCE, EXAMINE CONCEPTS, AND STUDY IN ADVANCE NEW DEVELOPMENTS IN THE CSCE PROCESS, AND THUS ARE OF UNUSUAL HELP TO EXPERTS SUCH AS OURSELVES.

MR. CHAIRMAN. THE MAIN PURPOSE OF MY INTERVENTION TODAY IS TO DISCUSS THE QUESTIONS OF EXIT VISAS AND ENTRY VISAS RAISED BY SO MANY DELEGATIONS, AND WITH PARTICULAR REFERENCE TO BME. 20, 27, 34 AND 41.

PERMIT ME TO BEGIN WITH A COMMENT BY OUR DISTINGUISHED DELEGATE AND NEIGHBOR HERE AT THE TABLE, THE DISTINGUISHED DELEGATE FROM THE GERMAN DEMOCRATIC REPUBLIC, WHO SPOKE YESTERDAY ABOUT THE NEED TO AVOID DOUBLE STANDARDS. DOUBLE STANDARDS SHOULD INDEED BE AVOIDED. BUT A DOUBLE STANDARD OCCURS WHEN TWO DIFFERENT STANDARDS ARE USED FOR THE SAME MATTER, INVOLVING TERMS OF AN EQUAL CHARACTER.

THE FIRST GENERAL POINT ON VISAS THAT I WOULD LIKE TO MAKE IS THAT EXIT VISAS AND ENTRY VISAS ARE NOT EQUAL TERMS. THEY ARE ASYMETRICAL. THE RIGHT OF A PERSON TO EXIT FROM A COUNTRY IS A NATURAL RIGHT, PROTECTED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS OF THE UNITED NATIONS, WHEREAS ENTRY INTO A COUNTRY IS NOT SIMILARLY PROTECTED IN INTERNATIONAL LAW. THIS IS A DISTINCTION IN LAW AND IN FACT. IT FOLLOWS FROM COMMON SENSE. A PERSON CANNOT BE KEPT AGAINST HIS WILL IN ONE PLACE. BUT ON THE OTHER HAND, THE SAME PERSON DOES NOT HAVE A SIMILAR RIGHT TO ENTER INTO ANY PLACE AT WILL, BECAUSE OTHER RIGHTS MUST ALSO BE RESPECTED. THESE TYPES OF VISAS, THEREFORE, WHILE RELATED, ARE NOT SYMETRICAL, AND CANNOT BE TREATED IN AN IDENTICAL WAY. ALTHOUGH FROM AMONG THE NUMEROUS PROPOSALS BEFORE US ON THE SUBJECT OF VISAS, BOTH FOR ENTRY AND FOR EXIT, IT APPEARS THAT WE MIGHT BE ABLE TO FORMULATE AT LEAST ONE SOLID PROPOSAL IN THIS AREA, PERHAPS MORE, IN ALL SUCH PROPOSALS THIS DIFFERENCE IN REALITY MUST BE RESPECTED.

THE SECOND GENERAL POINT I WOULD LIKE TO MAKE CONCERNS THE CONDITIONS THAT AFFECT THE ISSUANCE OF ENTRY VISAS. WE HAVE ALL AGREED THAT ENTRY VISAS SHOULD BE MADE AVAILABLE IN AS SIMPLE AND EXPEDITIOUS A WAY AS POSSIBLE, AND SHOULD NOT BE SUBJECTED TO UNJUSTIFIABLE DELAYS. BUT SOME OF THE TEXTS BEFORE US SPEAK AS IF THE ONLY REASON THAT MIGHT DELAY THE ISSUANCE OF A VISA IS (1) PROCEDURAL. IN THE REAL WORLD, THIS IS NOT THE ONLY REASON, THERE ARE ALSO REASONS OF (2) VOLUME AND (3) POTENTIAL HIDDEN PURPOSES FOR ENTRY. CERTAINLY, PROCEDURES SHOULD BE SIMPLIFIED. BUT THIS ALONE WILL NOT IN ALL CASES MAKE IT EASY TO ISSUE VISAS IMMEDIATELY.

POPULATION FLOWS AROUND THE WORLD ARE NOT EQUAL. THERE ARE SOME NATIONS, HOWEVER SMALL, WHERE THE DEMAND FOR ENTRY, WHETHER AS VISITORS OR AS IMMIGRANTS, IS VERY HIGH. THERE ARE OTHER NATIONS, WHETHER LARGE OR SMALL, WHERE THE DEMAND FOR ENTRY, WHETHER AS VISITORS OR AS IMMIGRANTS, IS NOT VERY LARGE. COUNTRIES WHICH SHOW A DIFFERENT VOLUME OF REQUESTS FOR

VISAS MAY EXPERIENCE QUITE DIFFERENT PRACTICAL PROBLEMS IN ISSUING VISAS. IN THE UNITED STATES, FOR EXAMPLE, EVEN WITH THE HELP OF COMPUTERS, EACH YEAR THE FACTOR OF SHEER VOLUME SOMETIMES BRINGS ABOUT DELAYS, ESPECIALLY REGARDING CERTAIN TYPES OF VISAS. OUR CONSULAR OFFICES ISSUE SEVERAL THOUSAND VISAS EVERY DAY, MORE THAN SIX MILLION IN A YEAR. THIS QUESTION OF VOLUME MUST BE KEPT IN MIND.

THIRDLY, INDIVIDUAL NATIONS OFTEN EXPERIENCE A TIDE OF APPLICATIONS FOR VISAS MADE FOR VERY DIFFERENT REASONS. SOMETIMES THESE REASONS ARE DISGUISED. THUS, IT SOMETIMES HAPPENS THAT A NATION MAY HAVE LEARNED FROM SAD EXPERIENCE THAT SOME PERSONS, WHO ENTER UNDER TOURIST VISAS, ACTUALLY INTEND TO TAKE UP SETTLEMENT, WHETHER LEGALLY OR ILLEGALLY. AGAIN, SOME NATIONS MAY EXPERIENCE THAT SOME APPLICANTS, WHO COME ON ONE SORT OF VISA, PERHAPS A TOURIST OR A STUDENT VISA, ACTUALLY INTEND TO TAKE UP ILLEGAL WORK. AGAIN, SOME NATIONS MAY EXPERIENCE THAT CERTAIN ENTRANTS, WHO COME WITH TOURIST OR STUDENT OR PROFESSIONAL OR CREW VISAS, ACTUALLY IMPORT DANGEROUS SUBSTANCES LIKE DRUGS, OR OTHER SOCIALLY DAMAGING MATERIALS. AGAIN, SOME NATIONS MAY EXPERIENCE A FLOW OF ENTRANTS WHO COME ON A TOURIST VISA, OR A SCIENTIFIC OR CULTURAL OR OTHER PROFESSIONAL VISA, WHO ACTUALLY COME TO TAKE PART IN A QUITE DIFFERENT PROFESSION, IN FACT, A PROFESSION OLDER THAN THE ONE USUALLY DESCRIBED AS THE OLDEST PROFESSION. (IN ORDER TO FIND THE OLDEST PROFESSION, IT WAS NECESSARY THAT THERE BE A STILL EARLIER PROFESSION TO TELL YOU WHERE TO FIND IT.) SOME NATIONS INVENT NEW SCIENTIFIC AND INDUSTRIAL TECHNOLOGIES, AND OTHERS ATTEMPT TO CAPTURE IT. FOR ALL THESE REASONS, SOME NATIONS LEARN FROM EXPERIENCE THAT THEY MUST DISCRIMINATE CAREFULLY AMONG APPLICANTS FOR VISAS. THIS IS ONLY REALISTIC. WE MUST DEAL HERE WITH THE WORLD AS IT IS.

THE FOURTH GENERAL POINT I WOULD LIKE TO MAKE IS THAT WORLD POPULATION FLOWS ARE ALWAYS IN FLUCTUATION. SOMETIMES IT HAPPENS THAT THE DEMAND FOR ENTRY INTO CERTAIN NATIONS FROM OTHER PARTICULAR NATIONS IS VERY HIGH, WHILE AT OTHER TIMES, THIS SAME DEMAND IS RELATIVELY LOW. THUS, IT WAS THE EXPERIENCE OF THE UNITED STATES THAT THE EXPERTS WERE QUITE WRONG IN PREDICTING POPULATION FLOWS INTO OUR COUNTRY DURING THE 1970S. A VERY LARGE NUMBER OF ASIAN IMMIGRANTS AND VISITORS ENTERED, MUCH LARGER THAN ANTICIPATED. ON THE OTHER HAND, FROM SOME WESTERN EUROPEAN COUNTRIES, FOR EXAMPLE, THE NUMBERS OF VISITORS OR IMMIGRANTS THAT THE EXPERTS HAD ANTICIPATED ACTUALLY FELL QUITE SHORT OF PROJECTIONS. HUMAN BEINGS OFTEN DO NOT ACT AS THE EXPERTS PREDICT THAT THEY WILL. THANK GOD. HUMAN BEINGS FREELY REACT TO CHANGING CIRCUMSTANCES, AND THUS A REALISTIC VISA POLICY MUST CONSTANTLY BE SUBJECTED TO RE-EXAMINATION.

THE FIFTH GENERAL POINT THAT I WOULD LIKE TO MAKE IS THAT THE WORD "ENTRY" MUST IN REALITY BE QUALIFIED. IN THE ACTUAL SITUATION OF OUR ERA, WHAT IS COVERED BY THAT WORD "ENTRY" ACTUALLY DIFFERS UNDER DIFFERENT SOCIAL AND POLITICAL SYSTEMS, AND IN PARTICULAR COUNTRIES. IN SOME CASES "ENTRY" MEANS THAT THE VISITOR CAN TALK TO OTHER CITIZENS AS HE OR SHE WILLS, GO WHERE HE OR SHE WILLS, STAY WHERE HE OR SHE WILLS. IN OTHER COUNTRIES, IT MAY HAPPEN THAT "ENTRY" IS QUITE QUALIFIED. A VISITOR MAY NOT TALK TO CITIZENS OF THAT OTHER COUNTRY WITHOUT ENDANGERMENT; MAY NOT ENTER INTO THE WHOLE COUNTRY, BUT ONLY INTO A VERY SMALL PERCENTAGE OF IT; MAY NOT GO WHERE HE OR SHE WILLS; MAY NOT BE FREE OF SURVEILLANCE IN THAT COUNTRY; AND MAY NOT STAY WHERE HE OR SHE WILLS. THUS, EVEN WHAT WE MEAN BY "ENTRY" IS IN THE REAL WORLD, NOT SIMPLE AND UNAMBIGUOUS. ANY PROPOSAL WE WRITE MUST REFLECT THESE DIVERSE REALITIES.

FINALLY, AND THIS IS PERHAPS THE CRUCIAL POINT, EACH OF THE NATIONS OF THE WORLD IS QUITE DIFFERENT FROM THE OTHER, AND ANY TWO NATIONS, IN SEEKING TO ERECT SENSIBLE POLICIES ON EXIT AND ON ENTRY, MUST NECESSARILY ADAPT THESE POLICIES TO ONE ANOTHER. THUS, OUR GOVERNMENT PLACES A STRONG EMPHASIS UPON BILATERAL DETERMINATIONS OF SUCH ISSUES. MOREOVER, OUR GOVERNMENT PREFERS TO CONDUCT THESE DISCUSSIONS AT A MUCH LOWER AND WORKING LEVEL, BETWEEN THE APPROPRIATE CONSULAR OFFICES OF

THE TWO COUNTRIES, WHO ARE IN TOUCH WITH IMMEDIATE AND CONCRETE REALITIES, RATHER THAN IN MULTINATIONAL BODIES, WHICH NECESSARILY CANNOT DEAL WITH ALL THE ATTENDANT COMPLEXITY AND VARIATION. THEREFORE, ANY PROPOSAL WE FORMULATE MUST REFLECT THE NECESSARY BILATERAL NATURE OF REALISTIC ARRANGEMENTS.

MR. CHAIRMAN, SINCE A NUMBER OF NATIONS HAVE EXPRESSED AN INTEREST IN SOME PROPOSALS IN THIS AREA OF EXIT VISAS AND ENTRY VISAS, IT SHOULD NOT BE BEYOND THE CAPACITIES OF OUR IMAGINATION TO DRAFT ONE, OR PERHAPS MORE, PROPOSALS THAT MEET THE NEEDS OF ALL OUR PARTICIPATING STATES, AND THAT REFLECT THE COMPLEX REALITIES INVOLVED. MY DELEGATION WOULD BE HAPPY TO WORK WITH ALL OTHER DELEGATIONS SO INTERESTED.

NOW FOR SOME SPECIFIC REFLECTIONS ON EACH OF THE ABOVE-MENTIONED PROPOSALS, FIRST ON BME. 20 SUBMITTED BY OUR DISTINGUISHED COLLEAGUE FROM ROMANIA. THIS PROPOSAL CALLS FOR THE ABOLITION OF VISAS. WHILE THE ABOLITION OF VISAS REMAINS SOMETHING OF AN IDEAL FOR THE UNITED STATES, AS EXEMPLIFIED BY THE OPEN BORDER BETWEEN OUR NATION AND THE GREAT NATION OF CANADA, WE WOULD NOT FIND IT POSSIBLE IN THE REAL WORLD AS IT IS SIMPLY TO ABOLISH VISAS. THE REASON IS THAT THE LINES OF PERSONS WAITING TO GET INTO OUR COUNTRY, EITHER AS VISITORS OR AS IMMIGRANTS, GO AROUND THE CORNER AND FAR INTO THE DISTANCE. WE ARE OBLIGED TO HAVE A VISA SYSTEM THAT MUST BE CONSISTENT ON A WORLD-WIDE BASIS. FOR OUR CONSULAR OFFICERS ISSUE VISAS FROM TWO HUNDRED DIFFERENT POSTS AROUND THE WORLD, AND AT A VOLUME OF SEVERAL THOUSAND EVERY WORKING DAY, MORE THAN SIX MILLION EVERY YEAR. OUR EXPERIENCE TEACHES US THAT WE MUST HAVE A VISA SYSTEM, AND THAT IT MUST WORK IN A CONSISTENT WAY FOR ALL NATIONS.

NORMALLY, OUR VISA SYSTEM IS OPEN, AVAILABLE AND QUICK. MANY APPLICANTS FROM WESTERN EUROPE, FOR EXAMPLE, APPLY FOR VISAS THROUGH THE MAIL; THE TURNAROUND TIME IS NORMALLY SHORTER THAN 48 HOURS (TO WHICH MUST BE ADDED THE TIME FOR POSTAL SERVICE). FOR THOSE WHO APPLY IN PERSON, THE VISA IS NORMALLY

GIVEN IN JUST A FEW MINUTES OR A FEW HOURS, DEPENDING UPON THE LENGTH OF THE LINE ON THAT PARTICULAR DAY. IN DIFFICULT CASES, SUCH AS WORK VISAS, APPLICANTS CAN DISCUSS THEIR CIRCUMSTANCES WITH PROFESSIONAL CONSULAR OFFICERS IN THE TWO HUNDRED POSTS MENTIONED ABOVE.

FOR FIRST-TIME APPLICANTS FROM EASTERN NATIONS, HOWEVER, FOR REASONS MENTIONED ABOVE, AND BASED UPON OUR OWN EXPERIENCE, OUR NAME CHECK PROCEDURES MAY TAKE UP TO THREE WEEKS. UNFORTUNATELY, THIS DELAY, EXPERIENCE HAS TAUGHT US, IS VIRTUALLY UNAVOIDABLE.

PROPOSAL BME. 27, SPONSORED BY OUR DISTINGUISHED COLLEAGUES FROM BULGARIA AND THE USSR, CONCERNING SPECIAL VISAS FOR WORKERS IN THE TRANSPORTATION INDUSTRY, WOULD AFFECT THE UNITED STATES ONLY IN THE CASES OF AIR CREWS AND CREWS ON PASSENGER VESSELS. UNLIKE EUROPE, WE DO NOT YET HAVE BUS ROUTES OR TRAIN ROUTES FROM EUROPE TO THE UNITED STATES--ALTHOUGH I SUPPOSE SOMEONE SOMEWHERE IS ALREADY WORKING ON THAT. SO WE WOULD NOT BE SO MUCH AFFECTED AS SOME OTHER NATIONS. OUR VISA SYSTEM ALREADY TAKES THESE SPECIAL NEEDS INTO ACCOUNT. THE INDIVIDUAL "D" VISA FOR CREW MEMBERS CAN BE ISSUED IN A PASSPORT OR SEAMAN'S BOOK. IN OTHER CASES, SHIP'S AGENTS, OFTEN WHILE THE SHIP IS AT SEA, SUBMIT A "CREW LIST" IN ORDER TO PROVIDE GROUP VISAS FOR THE GROUP. ALMOST ALL INDIVIDUAL "D" VISAS ARE ISSUED FOR MULTIPLE ENTRY.

PERHAPS THIS IS A GOOD PLACE TO MENTION THE NEW ARRANGEMENTS MADE FOR SPECIAL CREW VISAS BETWEEN PAN AM AND AEROFLOT ON THE NEW ROUTES BETWEEN NEW YORK/WASHINGTON AND MOSCOW/LENINGRAD. WORKING ON A BILATERAL BASIS, BOTH SIDES HAVE AGREED TO MULTIPLE ENTRY VISAS, PROVIDED GRATIS OR FREE, AND OF TWO YEARS' VALIDITY. OUR CONSULAR OFFICES BEGAN IMMEDIATELY ISSUING THESE NEW VISAS IN MOSCOW. RECENTLY, PAN AM INFORMED OUR GOVERNMENT THAT THEIR BERLIN-BASED CREWS COULD NOT OBTAIN THEIR SOVIET VISAS IN BERLIN, SINCE SOVIET OFFICERS IN BERLIN HAD NOT YET BEEN NOTIFIED OF THE EXACT TERMS OF THE

AGREEMENT. BUT THIS HITCH SEEMS TO BE BEING WORKED OUT ON A SMOOTH BILATERAL BASIS. THIS EXAMPLE SHOWS THAT BILATERAL ARRANGEMENTS CAN OFTEN BE PRODUCTIVE, AND THAT PROGRESS CAN BE MADE IN THE AREA MENTIONED BY THIS PROPOSAL.

CONCERNING BME. 34, FOR SIMPLIFYING THE ISSUANCE OF VISAS FOR PROFESSIONAL TRAVEL, A PROPOSAL SUBMITTED BY OUR DISTINGUISHED COLLEAGUES FROM BULGARIA, CZECHOSLOVAKIA, AND THE USSR, I MUST NOTE THAT OUR GOVERNMENT FACILITATES VISAS FOR PROFESSIONAL CONTACTS IN THE SAME WAY AS FOR TOURISM. IN A CERTAIN NUMBER OF CASES, PRIOR APPROVAL IS REQUIRED FROM THE IMMIGRATION AND NATURALIZATION SERVICE BY THE NATURE OF OUR LAWS. UNFORTUNATELY, THIS PETITION PROCEDURE, ALTHOUGH SPEEDED UP IN RECENT YEARS, CAN STILL TAKE A MAXIMUM OF SEVERAL WEEKS.

PERHAPS THIS IS A GOOD POINT TO CALL ATTENTION ALSO TO THE FIRST TIRET OF BME. 34, WHICH SAYS THAT THE PARTICIPATING STATES "CONDEMN THE PRACTICE OF PLACING OBSTACLES IN THE WAY OF CONTACTS BETWEEN WORKING PEOPLE AND THEIR PROFESSIONAL ORGANIZATIONS." WE HAVE HEARD SEVERAL TIMES FROM OUR COLLEAGUES IN EASTERN DELEGATIONS THAT THE LANGUAGE "PLACING OBSTACLES IN THE WAY OF" SHOULD BE AVOIDED IN OUR BERN PROPOSALS. MY DELEGATION HAS NO DIFFICULTY IN USING THE PHRASE "PLACING OBSTACLES IN THE WAY OF" IN THOSE CASES IN WHICH OUR IMPLEMENTATION REVIEW HAS SHOWN THAT OBSTACLES HAVE INDEED BEEN PLACED IN THE WAY OF HUMAN CONTACTS. BUT WE WOULD ARGUE THAT IF "PLACING OBSTACLES" IS TO BE AVOIDED IN OUR PROPOSALS, IT SHOULD ALSO BE AVOIDED HERE. SECONDLY, THE CHOICE OF THE VERB "CONDEMNED", USED IN THIS WAY, SOUNDS TO OUR EAR INAPPROPRIATE FOR AN EXPERTS MEETING AND FOR OUR PROPOSALS. ALTHOUGH I MUST SAY THAT "CONDEMNED" IS A WORD WIDELY USED AMONG THEOLOGIANS, IT DOES NOT SEEM TO BE GOOD CSCE LANGUAGE FOR AN EXPERTS MEETING.

CONCERNING BME. 41, A PROPOSAL DESIGNED TO REDUCE PROCESSING TIME FOR TOURIST VISAS, AND SPONSORED BY OUR DELEGATION THAT THE PRACTICES OF THE UNITED STATES ARE IN THE

CLEAR ON THIS ONE. TOURIST VISAS ARE NORMALLY ISSUED VERY QUICKLY, UNDER THE CONDITIONS MENTIONED ABOVE. THOSE WHO HAVE DEALT WITH OUR GOVERNMENT ON VISA POLICY WILL RECOGNIZE THAT OUR GOVERNMENT FOLLOWS TWO KEY POLICIES IN THIS AREA. THE STATE DEPARTMENT HAS OFTEN EXPRESSED ITS DESIRE TO LIBERALIZE THE ISSUANCE OF VISAS, AND IN PARTICULAR, TO ELIMINATE FEES, TO EXTEND VALIDITY PERIODS, AND TO PROMOTE MULTIPLE ENTRY VISAS. THIS MAKES SENSE, FOR OUR PROBLEM IS TO REDUCE THE VOLUME OF MATERIAL WE MUST HANDLE.

THE SECOND PRINCIPLE IS RECIPROCITY. SINCE EACH NATION IS DIFFERENT, IT IS IMPORTANT TO DEAL WITH THESE DIFFERENCES ON A CONCRETE AND REALISTIC LEVEL. U.S. POLICIES IN THIS AREA TEND TO BE RECIPROCAL WITH THE POLICIES OF THE OTHER STATE IN QUESTION. WHEN THEIR FEES FOR VARIOUS VISAS ARE RAISED, WE TEND TO RAISE OURS, AND WE TEND TO APPLY TIME LIMITS AND OTHER CONDITIONS IN ACCORDANCE WITH THEIR PROCEDURES. DUE TO RECENT INCREASES IN VISA FEES CHARGED TO AMERICAN CITIZENS BY ROMANIA, CZECHOSLOVAKIA AND POLAND, FOR EXAMPLE, WE HAVE RECENTLY RAISED OUR FEES BY CORRESPONDING AMOUNTS. BUT WE WOULD PREFER NOT TO DO SO. WE VERY MUCH FAVOR LIBERALIZING PROCEDURES, FOR OBVIOUS REASONS, BUT LIKE OTHER NATIONS, WE DO ATTACH A GREAT DEAL OF IMPORTANCE TO RECIPROCITY.

IN SHORT, IF ANY GOVERNMENT OF AN EASTERN EUROPEAN COUNTRY HAS A SPECIFIC PROPOSAL ON VISA SCHEDULES, THAT PROPOSAL SHOULD BE GIVEN TO OUR CONSULAR OFFICERS ALREADY IN THEIR CAPITALS. THAT IS THE LEVEL ON WHICH SUCH MATTERS SHOULD BE HANDLED, THE WORKING LEVEL RATHER THAN A POLICY LEVEL. OUR POLICY IS TO CONSIDER SUCH NEW IDEAS QUICKLY WITH A VIEW TOWARD LIBERALIZATION, IF THAT IS AT ALL POSSIBLE. HERE AGAIN, WE FAVOR THE BILATERAL RELATIONSHIP, ON A WORKING LEVEL BASIS.

MR. CHAIRMAN, WE RECOGNIZE THAT ONE OR MORE PROPOSALS IN THIS AREA MAY BE DESIRED BY A NUMBER OF PARTICIPATING STATES. WE ARE WILLING TO ENTER INTO DISCUSSIONS IN ORDER TO CONSTRUCT LANGUAGE THAT IS MUTUALLY ACCEPTABLE AND MUTUALLY HELPFUL TO ALL OUR CITIZENS. THANK YOU, MR. CHAIRMAN.

RIGHT OF REPLY TO POLAND

EXERCISED BY MICHAEL NOVAK,

U.S. DELEGATION

MAY 15, 1986

ONCE AGAIN, THE DISTINGUISHED DELEGATE OF POLAND HAS MADE A CONSTRUCTIVE SUGGESTION. I ADMIRE THE MANNER IN WHICH HE COMMONLY PROCEEDS, AND WELCOME HIM AS (I THINK) A WILLING MEMBER OF THE NEW CONSULTING FIRM OF NOWAK AND NOVAK. (LAUGHTER.) THE DISTINGUISHED DELEGATE FROM POLAND ASKED TWO GOOD QUESTIONS, OF CONSIDERABLE PRACTICAL MERIT, AND TO EACH OF THEM I OUGHT TO GIVE A REPLY.

FIRST, ADMITTING THE ASYMMETRY OF EXIT AND ENTRY IN PHILOSOPHICAL TERMS, HE PROPOSED A PRACTICAL QUESTION: WHEN EXITS FROM A COUNTRY EXCEED ENTRY INTO ANOTHER COUNTRY, WHAT IS THE PRACTICAL SOLUTION AS BETWEEN THOSE TWO COUNTRIES? HOW CAN EXIT BE PRACTICED WHEN ENTRY IS DENIED? TWO PRELIMINARY REMARKS. OVER THE CENTURIES, POLAND HAS OFTEN TAKEN A POSITION OF LEADERSHIP AND, AGAIN, IN THE MATTER OF FREE ENTRY AND FREE EXIT, AND A MOBILE FLOW OF VISITATIONS, ALTHOUGH MY DELEGATION RECOGNIZES AND HAS MENTIONED CERTAIN FAULTS IN THE PERFORMANCE OF POLAND IN RECENT YEARS, AS WE SEE IT, WE DO ADMIRE THE EXTENT TO WHICH POLAND HAS ONCE AGAIN ACHIEVED A RELATIVELY HIGH DEGREE OF OPENNESS. IT IS IN THE NATURE OF POLISH HISTORY TO DO THAT, AND EACH STEP FORWARD IN THESE FREE TWO-WAY FLOWS DESERVES RECOGNITION AND PRAISE. SECONDLY, WHEN POLISH CITIZENS COME TO THE UNITED STATES, THEY TYPICALLY MAKE GOOD CITIZENS AND, THEREFORE, TYPICALLY OUR CITIZENS WELCOME THEM. HOWEVER, WE HAVE EXPERIENCED SUBSTANTIAL PROBLEMS WITH A CERTAIN NUMBER OF POLISH CITIZENS COMING TO THE UNITED STATES ON TOURIST, STUDENT, OR OTHER VISAS, ONLY THEN TO USE THOSE VISAS FOR OTHER PURPOSES THAN THOSE FOR WHICH THEY WERE ISSUED. THIS EXPERIENCE HAS LED US TO HAVE A HIGHER REFUSAL RATE FOR APPLICATIONS FOR VISAS FROM POLAND (IN CERTAIN CATEGORIES) THAN IN ANY OTHER COUNTRY IN EUROPE. THESE CONSIDERATIONS LEAD DIRECTLY TO THE SECOND QUESTION.

THAT QUESTION IS: WHAT SHOULD BE DONE IN PRACTICE WHEN FLOWS BETEEN TWO COUNTRIES ARE DISPROPORTIONATE AND UNBALANCED? THAT IS, WHEN EXIT PERMITS FOR TRAVEL IN ONE DIRECTION EXCEED ENTRY PERMITS IN THE PLACE TO WHICH THOSE WHO EXIT WOULD LIKE TO ENTER? HERE WE MUST NOTE THAT FLOWS BETWEEN POPULATIONS CHANGE OVER THE YEARS, ARE OFTEN ALTERED, RISE AND FALL. ONE THING, THEREFORE, IS ALWAYS CLEAR ABOUT VISA POLICIES: THEY MUST ALWAYS BE ADJUSTED IN ORDER TO KEEP PACE WITH CHANGING REALITIES. IT OFTEN HAPPENS THAT PROJECTED FLOWS FROM ONE PLACE TO ANOTHER DURING A COMING DECADE DO NOT IN FACT MATERIALIZE, WHEREAS UNEXPECTED FLOWS FROM ANOTHER PLACE, NEVER PREDICTED BY THE EXPERTS, DO MATERIALIZE. OUR DELEGATION, LIKE OUR GOVERNMENT, RECOGNIZES THE NEED TO PLACE THESE MATTERS UNDER CONSTANT REVIEW.

IN FACT, ON THE VERY DAY WHEN I LEFT THE UNITED STATES FOR BERN--NOW IT SEEMS SO LONG AGO, ALMOST IN ANOTHER LIFE--THERE WAS A FRONT-PAGE ARTICLE IN THE NEW YORK TIMES (AT LEAST I BELIEVE THAT WAS THE PAPER I WAS READING ON THE PLANE), EXPRESSING THE DISSATISFACTION OF A LARGE NUMBER OF AMERICAN CITIZENS WITH OUR CURRENT VISA POLICIES TOWARD POLAND. THIS IS THE WAY IN WHICH NEW PROBLEMS OFTEN ARE BROUGHT TO THE ATTENTION OF GOVERNMENT OFFICIALS. IN GENERAL, WE HOLD THAT REALISTIC POLICIES MUST BE ADJUSTED TO CHANGING CONDITIONS. THEREFORE, I WOULD WISH TO ASSURE THE DISTINGUISHED DELEGATE FROM POLAND THAT OUR DELEGATION STANDS READY TO ADDRESS CHANGING CIRCUMSTANCES, IN PROPOSALS DESIGNED TO MEET THE REALITIES OF THE MOMENT.

THESE PRACTICAL QUESTIONS BY THE DISTINGUISHED DELEGATE FROM POLAND HIGHLIGHT THE POINT I WAS MAKING EARLIER: THE NEED FOR BILATERAL DISCUSSIONS TO DEAL WITH QUESTIONS, SUCH AS VISAS, THAT ARE SO IMMEDIATE AND PRACTICAL, AND VARY SO MUCH FROM COUNTRY TO COUNTRY.

REMARKS ON THE MAY 16 SPEECH BY THE USSR

MICHAEL NOVAK
U.S. DELEGATION
MAY 16 PLENARY

MR. CHAIRMAN, I AM GRATEFUL TO YOU FOR PERMITTING MY DELEGATION TO SPEAK TWICE THIS MORNING, BUT IT DID SEEM WISE TO COMMENT ON THE SUGGESTIONS BY THE DISTINGUISHED DELEGATE OF THE USSR, BEFORE WE ENTER UPON OUR LAST FREE WEEKEND OF OUR TIME TOGETHER, AND BEFORE WE PREPARE FOR THE FINAL WEEK OF INTENSIVE NEGOTIATIONS. MY DELEGATION WELCOMES THE CLEAR EFFORT BY THE DISTINGUISHED DELEGATE OF THE SOVIET UNION TO BE CONSTRUCTIVE.

IT IS AN OLD TRICK OF UNIVERSITY PROFESSORS TO SAY TO A NEW CLASS ON OPENING DAY, WHEN THE STUDENTS HAVE NOT YET DECIDED WHETHER TO STAY IN THE CLASS FOR WHICH THEY ARE REGISTERED, A FEW WORDS OF ASSURANCE, SUCH AS: "DON'T WORRY, SOME OF YOU WILL PASS." (LAUGHTER) THAT IS THE WAY ALL HERE HAVE NECESSARILY BEGUN TO LOOK AT OUR LONG LIST OF 46 PROPOSALS. IT MUST BE CLEAR TO ALL THAT NOT ALL 46 PROPOSALS WILL PASS ALL OUR TESTS.

FOR ITS PART, OUR DELEGATION WOULD BE QUITE SATISFIED TO ACCEPT ALL TWENTY OF THE WESTERN PROPOSALS, AND PERHAPS A CORRESPONDING NUMBER FROM OTHER DELEGATIONS, FORTY IN ALL. (LAUGHTER) I HASTEN TO SAY THAT I USE THE NUMBER FORTY IN THE HIGH SPIRITS OF A FRIDAY SESSION BEFORE A WEEKEND. I DO WANT TO EMPHASIZE, HOWEVER, THAT THERE ARE MANY ELEMENTS AMONG THE PROPOSALS SUBMITTED BY EASTERN BLOC COUNTRIES THAT WE THINK DESERVE CONSIDERATION IN A FINAL DOCUMENT, SO THAT ALL OF US WILL HAVE A DOCUMENT OF REAL USE TO THE LIVES OF PEOPLE.

A FEW COMMENTS ON INDIVIDUAL PASSAGES IN THE TEMPERATE SPEECH BY THE DISTINGUISHED DELEGATE OF THE SOVIET UNION:

THE FIRST OF THESE CONCERNS ENTRY AND EXIT PERMITS. THE DISTINGUISHED DELEGATE OF THE USSR USED THE IMAGE OF A STREET WITH ONE END AT ONE SIDE AND ANOTHER AT THE OTHER. BUT THIS IS TO TAKE THE QUESTION OF ENTRY VISAS AND EXIT VISAS AS IF THEY WERE SYMMETRICAL. I ARGUED AT SOME LENGTH YESTERDAY, AND ENTIRELY CONVINCED MYSELF (LAUGHTER), THAT THESE TWO TYPES OF VISAS ARE NOT SYMMETRICAL. THEY ARE QUITE DIFFERENT. THE RIGHT TO EXIT IS FULLY ARTICULATED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, AND UNDERLIES MANY OF THE PROVISIONS OF THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT. BY CONTRAST, THE QUESTION OF ENTRY ENVISAGES MANY DIFFERENT PLACES OF ENTRY, MANY DIFFERENT POSSIBILITIES, AND IS NOT SIMILARLY RECOGNIZED AS A RIGHT. WHEN A PERSON WANTS TO ENTER A CERTAIN COUNTRY, HIS WILL TO ENTER CONFLICTS WITH MANY OTHER RIGHTS OF CITIZENS OF THAT PLACE, AND MUST BE CONSIDERED IN THAT LIGHT.

I WOULD SUGGEST TO MY DISTINGUISHED COLLEAGUE FROM THE USSR, THEREFORE, THAT HIS OWN METAPHOR, OF A SINGLE STREET, IS MUCH TOO CHANNELLED AN IMAGE FOR THE REALITY. I WOULD SUGGEST IN ITS PLACE THE IMAGE OF A HOME. SURELY, A PERSON HAS THE RIGHT TO EXIT FROM THAT HOME. IF NOT, OTHERS WOULD BE JUSTIFIED IN THINKING OF THAT HOME AS A KIND OF PRISON AND HIS POSITION THERE AS A SORT OF HOUSE ARREST, IN WHICH HE WAS CUT OFF FROM HUMAN CONTACTS OF ALL SORT, KEPT IN EXILE IN A SINGLE PLACE. THE INDIVIDUAL HAS A RIGHT TO EXIT FROM THAT HOME, BUT THAT HOME OPENS NOT ONLY ON A SINGLE STREET BUT UPON THE WHOLE WIDE WORLD, IN WHICH THERE IS A VERY LARGE RANGE OF POSSIBILITIES. IMAGINE, FOR EXAMPLE, WANTING TO VISIT EVERY TOWN ON THIS PLANET WITH A POPULATION OF AT LEAST 25,000. ACTUALLY I ONCE KNEW A MAN WHO HAD THAT AMBITION. THE INTERESTING THING ABOUT IT, HE SAID, IS THAT THE WORLD'S POPULATION AND THE SIZE OF TOWNS KEEPS CHANGING, SO EVEN WHEN HE WOULD COMPLETE HIS VISITATION OF ALL SUCH TOWNS ON ONE CONTINENT AND THEN ANOTHER, NEW TOWNS KEPT SPRINGING UP. SO HE COULD CONTINUE TO PURSUE HIS AMBITION FOR AN ENTIRE LIFETIME. (LAUGHTER) THE POINT, TO RESUME, IS THAT THE QUESTIONS OF EXIT

AND OF ENTRY ARE NOT SYMMETRICAL. ANY DOCUMENT WE PRODUCE MUST RECOGNIZE THAT VERY IMPORTANT DIFFERENCE IN REALITY.

THE SECOND QUESTION CONCERNS THE ROLE OF THE STATE. MY DISTINGUISHED COLLEAGUE POINTED OUT THAT SOME DELEGATIONS HERE WERE RESISTANT TO THE IDEA OF EMPOWERING THE STATE; HE SAID THIS WAS FOR "NO APPARENT REASON." BUT THERE ARE CLEAR REASONS, WHICH MANY OF US HAVE ARTICULATED HERE. IN HUMAN CONTACTS AS IN OTHER MATTERS, MANY OF US RECOGNIZE THAT THE "DEAD HAND" OF THE STATE OFTEN CHILLS THE CHEEK IT TOUCHES.

MY DISTINGUISHED COLLEAGUE FROM THE USSR ALSO SAID THAT THE ROLE OF THE STATE HAS BEEN "SUFFICIENTLY DEFINED IN THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT." THAT IS TRUE IN THE SENSE REQUIRED FOR OUR IMMEDIATE PURPOSES; THE ROLE OF THE STATE IS SPELLED OUT IN THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT. BUT VARIOUS DELEGATIONS HAVE BEEN POINTING OUT HERE, DAY AFTER DAY, THE VERY LARGE DOMAIN OUTSIDE OF STATE CONTROL, OUTSIDE OF STATE APPROVAL, AS THAT DOMAIN IS DEFINED BY THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT: THE ROLE OF INDIVIDUAL PERSONS WHO SPEAK FOR NO ONE BUT THEMSELVES, THE ROLE OF NON-GOVERNMENTAL INSTITUTIONS AND NON-GOVERNMENTAL ORGANIZATIONS, AND EVEN THOSE FREE ASSOCIATIONS THAT INDIVIDUALS FREELY ESTABLISH FOR THEMSELVES. FOR EXAMPLE, THE OTHER DAY, I CITED THE SECTION OF THE MADRID CONCLUDING DOCUMENT WHICH SPEAKS OF FREE TRADE UNIONS WHICH PERSONS "FREELY ESTABLSIH" FOR THEMSELVES. IN THE VIEW OF MANY OF US, THE ROLE OF THE STATE, AS EXPRESSED IN THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT, IS QUITE LIMITED. IN ADDITION, THE REALM OF AGENTS AND ACTORS WHO ACT OUTSIDE THE APPROVAL OF THE STATE, IS TEEMING WITH LIFE, FULL OF ENERGY, AND ALIVE WITH IMAGINATION, QUITE WITHOUT THE CONTROL OF THE STATE. THE OBJECTIONS OF MANY DELEGATIONS TO "STATISM," THAT IS, TO THE EXCESSIVE AGGRANDIZEMENT OF THE STATE, ABSORBING ALL POWERS AND ENERGIES TO ITSELF, ARE WELL FOUNDED IN THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT. THESE OBJECTIONS ARE DEMANDED BY THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT.

IN A LATER PASSAGE, THE DISTINGUISHED DELEGATE OF THE SOVIET UNION MENTIONED THE "BUILDING MATERIALS" FROM THE WESTERN PROPOSALS WHICH HE WAS PREPARED TO ACCEPT AND TO ASSEMBLE. IN DOING SO, HE MENTIONED "THE TOWER OF BABYLON," THAT IS, THE TOWER OF BABEL. THAT CALLED TO MY MIND ANOTHER STORY IN THE BIBLE ABOUT A TOWER. IT IS THE PARABLE ABOUT HOW THE MAN WHO HOPED TO BUILD A TOWER MUST FIRST CALCULATE THE NUMBER OF STONES AND OTHER RESOURCES HE HAD AVAILABLE FOR THIS TASK, LEST IN BUILDING THE TOWER HE BE EMBARRASSED BY MOUNTING ONLY HALFWAY UP, BECAUSE HE LACKED SUFFICIENT BUILDING MATERIALS AND OTHER RESOURCES. IN THAT CASE SUCH A MAN WOULD BE OBLIGED TO WALK AWAY FROM A MONUMENT INCOMPLETE FOR WANT OF SUFFICIENT FORETHOUGHT.

MY DELEGATION DOES NOT BELIEVE THAT THE "BUILDING MATERIALS" ASSEMBLED BY THE DISTINGUISHED DELEGATE OF THE USSR ARE YET SUFFICIENT FOR BUILDING A TOWER OF WHICH WE CAN ALL APPROVE. AS OF TODAY, THE DISTINGUISHED DELEGATE OF THE USSR PROBABLY DID NOT WISH TO GIVE A COMPREHENSIVE STATEMENT OF THE BUILDING MATERIALS HE WOULD FINALLY USE, BUT ONLY TO MENTION A FEW OF THEM. WE WOULD URGE HIM TO RECONSIDER SOME OF THE OTHER BUILDING MATERIALS, WHICH IN OUR VIEW WOULD CERTAINLY BE NECESSARY TO BUILDING THE KIND OF TOWER ALL OF US ENVISAGE.

AGAIN, THE DISTINGUISHED DELEGATE OF THE SOVIET UNION MENTIONED CERTAIN WESTERN PROPOSALS WHICH RUN "COUNTER" TO THE HELSINKI FINAL ACT. I HAVE REREAD CAREFULLY ALL THE WESTERN PROPOSALS, AND NONE OF THEM IS DESIGNED TO RUN COUNTER TO THE HELSINKI FINAL ACT. ON THE CONTRARY, EVERY ONE OF THEM WAS DESIGNED WITH CARE AND MODESTY, TO USE SO FAR AS POSSIBLE THE LANGUAGE OF THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT, AND TO CONTRIBUTE TO THE FULL AND GROWING DESIGN OF THE CSCE PROCESS. THIS IS PARTICULARLY TRUE WHEN WE LOOK AT BME 7, ON NON-GOVERNMENTAL ORGANIZATIONS, THE ONE PROPOSAL THAT IN THIS CONTEXT OUR DISTINGUISHED COLLEAGUE SINGLED OUT.

IN OUR MANDATE FOR BERN, WE ARE CHARGED TO STUDY "THE DEVELOPMENT OF HUMAN CONTACTS AMONG PERSONS, INDIVIDUALS AND ORGANIZATIONS." BUT ANY OBJECTIVE READER OF THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT WOULD BE OBLIGED TO NOTE THAT WHEN THAT DOCUMENT SPEAKS OF "INSTITUTIONS AND ORGANIZATIONS" IT CERTAINLY DOES NOT SPEAK ONLY OF "GOVERNMENTAL INSTITUTIONS AND ORGANIZATIONS." ON THE CONTRARY, IT IS OFTEN QUITE EXPLICIT ABOUT MEANING BY "INSTITUTIONS AND ORGANIZATIONS" NOT ONLY GOVERNMENTAL ORGANIZATIONS. CLEARLY AND EXPLICITLY, THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT ALREADY HAVE ACCEPTED NON-GOVERNMENTAL ORGANIZATIONS.

LET ME READ THE EXACT WORDS OF THE FIRST TIRET OF PROPOSAL BME 7: "REMOVE EXISTING IMPEDIMENTS WHICH PREVENT INDIVIDUALS AND THE INSTITUTIONS AND ORGANIZATIONS WHICH THEY HAVE FREELY ESTABLISHED AND JOINED FROM MAINTAINING CONTACT, COMMUNICATION AND ORGANIZATIONAL TIES WITH SIMILAR ORGANIZATIONS IN OTHER PARTICIPATING STATES WITHOUT NEED OF OFFICIAL SPONSORSHIP OR APPROVAL."

MR. CHAIRMAN, THE NON-GOVERNMENTAL ORGANIZATIONS SPOKEN OF IN THIS TIRET HAVE ALREADY BEEN ACCEPTED BY THE HELSINKI FINAL ACT AND MADRID CONCLUDING DOCUMENT. IN THOSE DOCUMENTS, THERE CERTAINLY IS A RIGHT FOR PERSONS TO FREELY ESTABLISH SUCH NON-GOVERNMENTAL ORGANIZATIONS AND INSTITUTIONS.

MOREOVER, THE FINAL ACT AND THE MADRID CONCLUDING DOCUMENT ALSO SPEAK EXPRESSLY AND FULLY ABOUT THE RIGHTS OF HUMAN BEINGS IN NON-GOVERNMENTAL ORGANIZATIONS AND INSTITUTIONS TO ESTABLISH CONTACT WITH ONE ANOTHER. CLEARLY, THIS TIRET HAS IN IT ONLY SUCH MATERIALS AS HAVE ALREADY BEEN EXPLICITLY ACCEPTED IN THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT. WE WOULD URGE OUR DISTINGUISHED SOVIET COLLEAGUES TO REREAD THIS TIRET IN THAT LIGHT.

FURTHER, THE DISTINGUISHED DELEGATE OF THE USSR DESCRIBES THIS TIRET AS A "PRETEXT" FOR "ENCOURAGING ILLEGAL AND SOMETIMES ANTI-CONSTITUTIONAL ACTIVITIES BY ALL KINDS OF IMPOSTERS WHO SPEAK FOR NO OTHER PEOPLE EXCEPT THEMSELVES." BUT BME 7 DOES NOTHING OF THE KIND, NOT A WORD ABOUT ILLEGAL OR ANTI-CONSTITUTIONAL ACTIVITIES. SURELY IN ALL PARTICIPATING STATES, NON-GOVERNMENTAL INSTITUTIONS AND ORGANIZATIONS ARE BOTH LEGAL AND CONSTITUTIONAL. IN FACT, THE DISTINGUISHED DELEGATE EXPRESSLY POINTS OUT THAT "THE SOVIET DELEGATION CERTAINLY DOES NOT AND CANNOT HAVE ANY OBJECTION" TO "CONTACTS AMONG NON-GOVERNMENTAL AND PUBLIC ORGANIZATIONS." BUT THAT IS WHAT THE PROPOSAL DIRECTLY AND EXPRESSLY STATES. SO HOW CAN THE SOVIET DELEGATION OPPOSE IT?

MR. CHAIRMAN, MANY OF US SPEAKING IN PRIVATE OFTEN USE THE EXPRESSION "SPEAKING PERSONALLY..." THIS IS AN ENTIRELY APPROPRIATE LOCUTION. IT IS IN THE NATURE OF FREE PERSONS THAT THEY SOMETIMES SPEAK FOR NO ONE BUT THEMSELVES. IT IS A HIGH PLEASURE TO HAVE TO REPRESENT NO ONE'S VIEWS BUT ONE'S OWN, AND TO SPEAK FORTHRIGHTLY AND CANDIDLY. IT IS VERY GOOD FOR ANY COUNTRY AS A WHOLE WHEN EACH OF ITS MANY INDIVIDUALS USE THEIR INTELLIGENCE AND IMAGINATION FREELY, AND EACH SAYS SOMETHING DISTINCTIVE THAT NO ONE ELSE COULD SAY. IT IS THE SAME WITH INSTITUTIONS. NON-GOVERNMENTAL INSTITUTIONS DO NOT NEED THE APPROVAL OF THE STATE, AND THEY OFTEN SPEAK FOR NO OTHERS EXCEPT THEMSELVES. THIS IS NOT A FAULT. IT IS A GLORY.

AGAIN, THE DISTINGUISHED DELEGATE OF THE SOVIET UNION MENTIONED THAT SOME RESOLUTIONS PUT FORWARD BY NATO ARE AIMED AT "UNDERMINING THE LAWS AND ADMINISTRATIVE REGULATIONS" OF CERTAIN PARTICIPATING STATES. BUT THIS IS TRUE ONLY IN THE SENSE ALREADY AGREED TO BY THOSE PARTICIPATING STATES. THROUGH ITS HEAD OF STATE IN THE ONE CASE, OR ITS FOREIGN MINISTER IN THE OTHER, EACH OF OUR PARTICIPATING STATES DID COMMIT ITSELF IN THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT TO BRINGING ITS NATIONAL LAWS AND ADMINISTRATIVE REGULATIONS INTO CONFORMITY WITH THOSE TWO DOCUMENTS. NO ONE HERE IS ASKING FOR

ANYTHING EXCEPT COMPLIANCE TO COMMITMENTS ALREADY MADE BY EACH PARTICIPATING STATE. FAR FROM UNDERMINING THE COMMITMENTS OF THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT, ALL THE PROPOSALS BY THE NATO DELEGATIONS ARE AIMED AT MAKING THOSE COMMITMENTS REAL IN FACT.

THE NEXT POINT, MR. CHAIRMAN, IS A LITTLE DELICATE TO TREAT OF. EACH INCREMENT OF TRAVEL BY CITIZENS OF THE USSR, FOR FAMILY VISITATIONS AND FAMILY REUNIFICATION, AS OUTLINED BY THE DISTINGUISHED DELEGATE OF THE USSR IN HIS REMARKS, IS MUCH APPRECIATED. EVERY TIME A PERSON IS ALLOWED TO VISIT HIS FAMILY, OR A FAMILY IS PERMITTED TO BE REUNITED, ONE OF THE MOST PENETRATING PLEASURES OF HUMAN LIFE IS ACHIEVED: THE PLEASURE OF BEING WITH ONE'S OWN FAMILY. SO IN EVERY SINGLE CASE SUCH TRAVEL IS MUCH WELCOMED, AND THE NUMBERS CITED BY THE DISTINGUISHED DELEGATE OF THE USSR ARE TO BE PRAISED. STILL, IT MUST BE POINTED OUT, IF EVEN ONE PERCENT OF THE POPULATION OF THE USSR MADE SUCH A VISIT ONCE A YEAR, THAT WOULD BE A TOTAL OF 2.7 MILLION VISITS. THAT IS A NUMBER FAR IN EXCESS OF THE 110 THOUSAND SOVIET CITIZENS WHO TRAVELLED TO CSCE PARTICIPATING STATES FOR VARIOUS FAMILY REASONS DURING 1985, AS CITED BY OUR DISTINGUISHED COLLEAGUE. EVEN A HALF OF ONE PERCENT OF ALL SOVIET CITIZENS WOULD BE 1.35 MILLION, NOT 110 THOUSAND. THE TONE OF VOICE OF THE DISTINGUISHED DELEGATE OF THE USSR SUGGESTED THAT IN CITING FIGURES HE WAS HOPING THAT THE NUMBERS WOULD INCREASE IN THE FUTURE, AND THAT HE WAS NOT ENTIRELY SATISIFED WITH THE NUMBERS OF THE RECENT PAST.

THIS BRINGS ME TO ONE OF THE MOST IMPORTANT SENTENCES IN HIS INTERVENTION. I HAVE BEEN WAITING FOR SUCH A SENTENCE ALL THROUGH OUR PROCEEDINGS, AS A STRETCH OF SAND AWAITS A RAIN. OUR DISTINGUISHED COLLEAGUE SAID ON PAGE SEVEN, AND I QUOTE: "IT IS QUITE POSSIBLE THAT THE PRACTICE WHICH EXISTS IN OUR COUNTRY WITH REGARD TO THESE MATTERS MAY ALSO LEAVE ROOM FOR IMPROVEMENT..." (EMPHASIS ADDED) NO DOUBT, MR. CHAIRMAN, THIS IS A SENTENCE THAT EACH OF OUR DELEGATIONS, IN VARYING DEGREES, COULD ASSERT. IT IS A WELCOME SIGN OF THAT SELF-CRITICISM, THAT OPENNESS, THAT TRANSPARENCY, WHICH GENERAL SECRETARY GORBACHEV HAS CALLED FOR, AND WHICH IS SO ESSENTIAL TO THE GROWTH OF COMPLIANCE WITH CSCE COMMITMENTS. I WAS VERY HAPPY TO HEAR THAT SENTENCE.

FINALLY, MR. CHAIRMAN, I WAS SORRY THAT THE DISTINGUISHED DELEGATE OF THE USSR ADDED HIS FINAL PARAGRAPH, ABOUT THE SPEECH GIVEN THE OTHER EVENING BY THE GENERAL SECRETARY OF THE COMMUNIST PARTY OF THE SOVIET UNION, ON A SUBJECT OUTSIDE OUR MANDATE. TO BE SURE, THIS WAS A VERY SHORT PARAGRAPH, COMPARED TO THE LONG CONSTRUCTIVE REMARKS WHICH PRECEDED IT. STILL, I WAS VERY SORRY THAT THE DISTINGUISHED DELEGATE OF THE USSR DID NOT RESIST THE IMPULSE TO INCLUDE IT. FOR IT PRESENTS MY DELEGATION WITH TWO DELICATE PROBLEMS. FIRST, HERE IN THIS ROOM, THAT PARAGRAPH ON A SUBJECT NOT CONNECTED TO OUR MANDATE INJECTED A TOUCH OF PROPAGANDA, JUST AT THE MOMENT WHEN WE ARE BEGINNING AN IMPORTANT NEGOTIATION OF OUR OWN. SECOND, THE SPEECH OF THE GENERAL SECRETARY WAS ITSELF RECEIVED BY MY DELEGATION AS FACING IN EACH OF TWO DIRECTIONS. ONE FACE POINTED TOWARD GENUINE NEGOTIATIONS, AND THE OTHER POINTED TOWARD RATHER HARSH CRITICISM OF THE UNITED STATES, AND TO PROPAGANDA. MR. CHAIRMAN, IT IS NECESSARY FOR ME TO SAY THAT ONE CAN HAVE EITHER SERIOUS NEGOTIATIONS OR PROPAGANDA. ONE CANNOT HAVE BOTH.

MR. CHAIRMAN, OUR DELEGATION, LIKE OUR GOVERNMENT, WILL CHOOSE TO LISTEN TO THE VOICE EXPRESSING A DESIRE FOR SERIOUS NEGOTIATIONS, NOT TO THE VOICE SUGGESTING PROPAGANDA. IN THIS WAY, WE HOPE TO CONTRIBUTE TO BUILDING THE SORT OF REALISTIC PROGRESS THAT EACH DELEGATION HERE WILL BE PROUD TO REPORT TO THE WORLD, WITHOUT FEAR OF ITS BEING LAUGHED AT FOR ITS EXCESSIVE MODESTY. THANK YOU, MR. CHAIRMAN.

STATEMENT IN SUPPORT OF BME. 11

MR. SOL POLANSKY
ALTERNATE DELEGATE
U.S. DELEGATION, HCEM

MAY 16, 1986

MR. CHAIRMAN,

ON MAY 7, THE DISTINGUISHED CHAIRMAN OF THE CANADIAN DELEGATION INTRODUCED PROPOSAL BME. 11 ON PERSONS BELONGING TO NATIONAL MINORITIES AND REGIONAL CULTURES. MY DELEGATION IS A CO-SPONSOR OF THAT PROPOSAL. I WOULD LIKE TO TALK TO THAT PROPOSAL NOW.

WE ARE STRONG AND SYMPATHETIC SUPPORTERS OF BME. 11 BECAUSE THE UNITED STATES IS A COUNTRY OF IMMIGRANTS. OUR HISTORIC, RELIGIOUS, ETHNIC AND CULTURAL HERITAGE HAS MANY ROOTS IN THE REGIONS OF ALL THE CSCE PARTICIPATING STATES, AS WELL AS FROM OTHER REGIONS OF THE WORLD. MANY OF OUR CITIZENS, OR THEIR ANCESTORS, LEFT THEIR FORMER HOMELANDS BECAUSE THEY WERE UNABLE FREELY TO PURSUE THEIR RELIGIOUS, CULTURAL OR POLITICAL CONVICTIONS. HAD THERE BEEN A HELSINKI FINAL ACT OR MADRID CONCLUDING DOCUMENT THEN, PERHAPS THE SITUATION WOULD HAVE BEEN BETTER AND EASIER FOR THEM. THUS, WE HAVE GREAT SYMPATHY FOR THOSE MEMBERS OF NATIONAL MINORITIES/REGIONAL CULTURES WHO MAY HAVE SIMILAR CONCERNS TODAY.

MR. CHAIRMAN, JUST AS THE UNITED STATES IS A MULTICULTURAL SOCIETY, SO ARE MANY OF THE COUNTRIES PARTICIPATING IN THIS EXPERTS' MEETING, AND NOT JUST FROM ONE GROUPING OR ANOTHER. MANY HAVE NATIONAL MINORITIES, DUE TO MIGRATION, OR THE ACCIDENTS OF WAR, AND THE MOVING OF BORDERS. ALL OF US ASSUMED SOLEMN COMMITMENTS UNDER THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT WITH RESPECT TO NATIONAL MINORITIES AND REGIONAL CULTURES. FOR EXAMPLE, IN THE MADRID CONCLUDING DOCUMENT, THE PARTICIPATING STATES STRESSED THE "IMPORTANCE OF CONSTANT PROGRESS IN ENSURING THE RESPECT FOR AND ACTUAL ENJOYMENT OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL MINORITIES AS WELL AS PROTECTING THEIR LEGITIMATE INTERESTS." SINCE MANY OF US HAVE NATIONAL MINORITIES AND REGIONAL CULTURES WITHIN OUR SOCIETIES, IT SEEMS ODD THAT AT THIS MEETING THERE HAS BEEN ONLY A MODEST DIALOGUE ON THIS PROPOSAL.

MR. CHAIRMAN, IN THIS CONNECTION PERMIT ME TO DRAW AN EXAMPLE FROM AMERICAN EXPERIENCE. AT THE START OF WORLD WAR II, WE INTERNED JAPANESE AMERICAN CITIZENS IN CAMPS BECAUSE WE THOUGHT THEY MIGHT BE A SECURITY RISK. THIS IS A PART OF OUR RECENT HISTORY OF WHICH WE ARE NOT PROUD. AT THE END OF THE WAR, THOSE AMERICAN CITIZENS OF JAPANESE ANCESTRY WERE ABLE TO RETURN TO THEIR FORMER COMMUNITIES OR ESTABLISH NEW RESIDENCES, TAKE UP THEIR PROFESSIONS, AND RENEW THEIR FAMILY OR CULTURAL CONTACTS WITH RELATIVES AND FRIENDS IN JAPAN. THOSE JAPANESE AMERICANS WHO FELT THEY HAD JUSTIFIABLE CLAIMS AGAINST OUR GOVERNMENT SOUGHT AND WON RESTITUTION FROM THE GOVERNMENT. THEY DID SO THROUGH THE COURT SYSTEM AND THROUGH CONGRESS. THOSE SAME JAPANESE AMERICANS OR THEIR OFFSPRING, PROUD OF THEIR HERITAGE AND CULTURE, MAINTAIN ALL MANNER OF TIES AND COMMUNICATIONS NOT ONLY WITH OTHER AMERICANS BUT ALSO WITH THEIR FAMILIES AND FRIENDS IN JAPAN. TRAVEL IN BOTH DIRECTIONS IS INTENSIVE AND NORMAL. THOSE TIES HAVE HELPED CEMENT CLOSE AND PRODUCTIVE TIES BETWEEN OUR TWO NATIONS, ONLY SO SHORT A TIME AGO BITTER ENEMIES.

AT THE SAME TIME, AS WE LOOK AT WHAT MIGHT BE TERMED "CSCE TERRITORY," IT DOES NOT SEEM TO US THAT THERE IS "CONSTANT PROGRESS IN ENSURING THE RESPECT FOR AND ACTUAL ENJOYMENT OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL MINORITIES OR PROTECTING THEIR LEGITIMATE INTERESTS". MINORITIES AND REGIONAL CULTURES IN CERTAIN STATES ARE STILL BEING DEPRIVED OF THE OPPORTUNITY TO MAINTAIN FAMILY AND CULTURAL TIES ACROSS BORDERS. FOR EXAMPLE, NEWSPAPERS IN ONE COUNTRY HAVE REPORTED

ARTIFICIAL DELAYS FOR VISITORS AT A NEIGHBORING COUNTRY'S BORDER CROSSING POINTS. AND WE HAVE HEARD IN THIS HALL HOW ONE GOVERNMENT DEPRIVES A MINORITY OF IMPORTANT ASPECTS OF ITS ETHNIC, RELIGIOUS AND CULTURAL IDENTITY AND HERITAGE. THE TERRITORIES ENVISAGED WITHIN THE CSCE PROCESS ARE A HODGE-PODGE OF ETHNIC AND RELIGIOUS MINORITIES. IT HAS RARELY BEEN POSSIBLE TO MAKE GEOGRAPHIC BOUNDARIES COINCIDE WITH HOMOGENOUS POPULATIONS. THUS WE HEAR OF SUFFERINGS AND UNFULFILLED RIGHTS.

MR. CHAIRMAN, BME. 11 DOES NOT SEEK TO CREATE GREATER RIGHTS FOR MEMBERS OF MINORITIES. IT CONFIRMS THEIR RIGHT TO TRAVEL FOR PURPOSES OF FAMILY REUNIFICATION, FAMILY VISITS, OR PERSONAL OR PROFESSIONAL TRAVEL. THESE RIGHTS ARE ABSOLUTE FOR ALL CITIZENS WHOSE GOVERNMENTS SIGNED THE FINAL ACT. BME. 11 DOES, HOWEVER, SEEK TO ENSURE THAT MEMBERS OF MINORITIES SHOULD NOT HAVE ANY ADDITIONAL OBSTACLES PLACED IN THEIR WAY WHEN THEY WISH TO AVAIL THEMSELVES OF THEIR RIGHT TO SUCH CONTACTS. SUCH OBSTACLES, UNFORTUNATELY, HAVE NOT BEEN UNKNOWN, AS OUR EXCELLENT GENERAL DISCUSSION CLEARLY SHOWED. THE CONSTRUCTIVE DIALOGUE WE HAVE HAD IN THIS PHASE OF OUR WORK HAS ENCOMPASSED MANY OF THE PROPOSALS ADVANCED BY MANY DELEGATIONS. BUT TOO LITTLE OF THE DIALOGUE HAS YET TOUCHED ON BME. 11. WE HOPE THE ABSENCE OF QUESTIONS SIGNIFIES A COMMON UNDERSTANDING OF ITS CONSTRUCTIVE NATURE. WE HOPE ALL DELEGATIONS WILL ACCEPT IT.

THANK YOU VERY MUCH, MR. CHAIRMAN.

STATEMENT TO PLENARY SESSION OF MAY 21, 1986
AMBASSADOR MICHAEL NOVAK
U.S. DELEGATION

MR. CHAIRMAN:

THE DISTINGUISHED DELEGATE OF THE SOVIET UNION USED TWO KEY WORDS, ON WHICH I WISH TO ELABORATE IN MY REMARKS: HE MENTIONED REALISM--THE SUBJECT ON WHICH I INTENDED TO SPEAK. HE ALSO MENTIONED THE WORD "GLOOM." IT IS ONE OF THE ADVANTAGES OF HAVING ONE'S GRANDPARENTS COME FROM CENTRAL EUROPE, WHOSE POLITICAL HISTORY IS FULL OF SO MUCH PAIN, THAT THE NORMAL WORLD IS THOUGHT TO BE GLOOMY. IN FACT, ONE IS HAPPY ONLY WHEN ONE IS GLOOMY. WHEN THINGS ARE GOING BADLY, THE WORLD SEEMS NORMAL, ONE FEELS SECURE AND WITHOUT ILLUSIONS. WHEN THINGS ARE GOING WELL, ONE THINKS THEY MUST BE KIDDING YOU.

IN CERTAIN WAYS, PESSIMISM IS A VERY GOOD BASIS FOR DEALING WITH REALITY; THERE IS CERTAINLY A LOT OF EVIDENCE IN FAVOR OF IT. BUT THE BEST PART ABOUT BASING ONE'S CAPACITIES FOR ACTION ON PESSIMISM IS THAT ONE IS CONSTANTLY SURPRISED BY EVERY GOOD THING THAT HAPPENS. ONE EXPECTS THE WORST, AND IS ABLE TO CARRY ON IN FACE OF THE WORST. THAT IS WHY WE SAY, IN THE UNITED STATES, THAT CERTAIN ATHLETES OF CENTRAL EUROPEAN BACKGROUND MAKE EXCELLENT QUARTERBACKS. WHEN THEIR TEAM IS DOWN 20-7, WITH ONLY SEVEN MINUTES TO PLAY, THEY THINK: "WHAT'S NEW?", LOWER THEIR HEADS, AND PLAY FOOTBALL. THAT TURNS OUT TO BE A VERY GOOD WAY TO PLAY THE GAME, AND OFTEN RESULTS IN LAST-MINUTE VICTORY.

THUS, MR. CHAIRMAN, ALTHOUGH I DID NOT INTEND TO COMMENT AT ALL UPON OUR DISCUSSIONS IN THE SOUNDING GROUP YESTERDAY, THE COMMENTS BY THE DISTINGUISHED DELEGATE OF THE USSR OBLIGE ME NOW TO DO SO. IT IS IMPORTANT THAT EVERYONE RECOGNIZE HOW TERRIBLY PESSIMISTIC THE WESTERN DELEGATIONS FELT ON LEARNING THE NEWS FROM THOSE SOUNDINGS.

THE DISTINGUISHED DELEGATE OF THE SOVIET UNION SAID TODAY THAT SEVENTY PERCENT OF THE WESTERN PROPOSALS WERE ACCEPTABLE TO HIM, WITH A FEW CHANGES OF A WORD HERE OR THERE. THAT WOULD MEAN FOURTEEN OF OUR TWENTY PROPOSALS. ACTUALLY, MR. CHAIRMAN, WE LEARNED IN THE SOUNDING GROUP THAT OUT OF OUR TWENTY MODEST AND CAREFULLY CONSTRUCTED PROPOSALS, MEANT TO DEAL WITH SPECIFIC PROBLEMS, EIGHT WERE REJECTED OUT OF HAND AS NON-NEGOTIABLE, AND AT LEAST EIGHT OTHERS WERE SUBJECT TO CRIPPLING AMENDMENTS. THESE AMENDMENTS WOULD FRUSTRATE ANY GOOD THE AMENDMENTS WERE DESIGNED TO DO, AND WOULD PREVENT THEM FROM DEALING WITH THE PROBLEMS THEY WERE AIMED TO CORRECT.

SO IT IS TRUE THAT THE NEWS WE HEARD FROM THE WARSAW PACT NATIONS INSPIRED IN US A GREAT SENSE OF DEPRESSION, GLOOM, PESSIMISM. BUT FOR ME AT LEAST, GLOOM IS ONLY NORMAL. THERE IS NOTHING TO BE DISTURBED ABOUT. WE ARE CERTAIN THAT THE SOVIET UNION AND ITS ALLIES WERE SIMPLY SETTING FORTH BEFORE US, AT THAT STAGE, THE DIFFICULTIES THEY HAD FOUND IN OUR PROPOSALS, AND OFFERED THE INFORMATION THAT WE, IN TURN, WERE SEEKING. THE WARSAW PACT COUNTRIES HAVE NOT YET SET FORTH THEIR BEGINNING NEGOTIATING POSITION. SO WE WILL GET ON WITH OUR WORK WITH A SENSE OF REALISM AND A SENSE OF HOPE. SO MUCH FOR GLOOM.

THE WORD "REALISM", MR. CHAIRMAN, BRINGS ME TO MY SECOND POINT. IT IS ONE THING TO SPEAK ABOUT NEGOTIATIONS ON PROPOSALS, AND IT IS ANOTHER TO CONFRONT THE REALITIES OF REAL LIVES IN THE REAL WORLD, AND THE SITUATION OF HUMAN CONTACTS AMONG ACTUAL PERSONS IN OUR TIME. LET ME MENTION ONE SUCH PERSON.

ONE OF THE GREAT RUSSIAN CITIZENS OUR TIME, THREE-TIME WINNER OF THE LENIN PRIZE, A HUMANIST HELD IN IMMENSE INTERNATIONAL ESTEEM, AS A PHYSICIST, A RECOGNIZED GENIUS, A CITIZEN WHOSE HUMAN CONTACTS ARE TODAY EXTREMELY LIMITED, IS TODAY CELEBRATING HIS SIXTY-FIFTH BIRTHDAY IN A CITY FAR FROM HOME AND FAMILY. MY DELEGATION WOULD LIKE TO EXTEND ITS DEPEST

RESPECTS TO DR. ANDREI SAKHAROV, WHOSE SITUATION IN SO MANY WAYS INVITES US TO REFLECT UPON THE DEVELOPMENT OF HUMAN CONTACTS IN OUR TIME.

HOW THIS GREAT MAN WOULD BENEFIT BY HUMAN CONTACTS! HE MIGHT BE LECTURING, TRAVELING, LEADING SEMINARS. AND MANY IN THE WORLD WOULD BENEFIT IMMENSELY BY CONTACTS WITH HIM.

MR. CHAIRMAN, THESE REFLECTIONS LEAD ME TO MY THIRD POINT. THERE SHOULD BE NO GAP BETWEEN CONCENTRATION UPON NEGOTIATING ON OUR PROPOSALS AND ATTENDING TO REALITIES. FOR THREE WEEKS WE DID DISCUSS REAL PROBLEMS. AND AGAIN, FOR THE NEXT TWO WEEKS WE ALSO DESCRIBED THE REAL PROBLEMS THAT OUR NEW PROPOSALS ARE INTENDED TO ALLEVIATE. THIS IS PARTICULARLY TRUE OF EACH OF THE 20 CAREFULLY DRAWN WESTERN PROPOSALS. EACH HAS BEEN DESIGNED TO MEET A SPECIFIC PROBLEM THAT EXPERIENCE SINCE HELSINKI HAS FORCED UPON OUR ATTENTION. WE MUST KEEP SUCH REALITIES IN MIND AS WE LOOK AT OUR PROPOSALS AND THE PROPOSED AMENDMENTS TO THEM. HOW WILL OUR FINAL PROPOSALS--OUR LEGACY--ACTUALLY AFFECT REALITY?

WITH THIS QUESTION IN MIND, MR. CHAIRMAN, I RECENTLY REREAD A CHECKLIST OF REALITIES THAT I BROUGHT WITH ME TO BERNE--A CHECKLIST OF REALITIES THIS CONFERENCE OUGHT TO ADDRESS. THIS LIST IS VERY COMFORTING, MR. CHAIRMAN. WE DID DISCUSS ALMOST ALL THE ITEMS ON IT. IT HELPS TO SHOW HOW GOOD OUR DISCUSSION HAS BEEN. IT ALSO HELPS TO SHOW HOW GOOD OUR FINAL LIST OF PROPOSALS YET MUST BE.

I QUOTE FROM A LIST OF QUESTIONS SENT ME BY A GROUP OF DISTINGUISHED AMERICANS, SOME OF WHOM I AM PROUD TO COUNT AS FRIENDS, WHO WISHED TO ASSIST ME IN MY WORK. I QUOTE FROM THE SECTIONS OF THEIR LETTER THAT BEAR MOST UPON MATTERS RELATED TO THE PROPOSALS NOW BEFORE US:

--PERMIT UNHINDERED ACCESS TO FOREIGN EMBASSIES IN THE PARTICIPATING STATES. CEASE THE PRACTICE OF DISCOURAGING ENTRY TO FOREIGN EMBASSIES THROUGH INTIMIDATION, SURVEILLANCE, OR DETENTION.

--MAKE IT POSSIBLE TO RESOLVE CASES OF DIVIDED FAMILIES BY FACILITATING EMIGRATION APPLICATIONS. PERMIT REAPPLICATION IN A TIMELY MANNER, AND SUPPLY DETAILED DOCUMENTATION ON THE GROUNDS FOR REFUSAL OF EMIGRATION PERMITS. CEASE HARASSMENT, INTIMIDATION, DETENTION OF FAMILIES WHO HAVE SOUGHT TO EMIGRATE TO JOIN RELATIVES ABROAD. FACILITATE BINATIONAL MARRIAGES AND PROCESS APPLICATIONS TO JOIN SPOUSES QUICKLY.

--ALLOW REGULAR VISITS BETWEEN FAMILY MEMBERS RESIDING IN DIFFERENT COUNTRIES. PROCESS APPLICATIONS FOR TEMPORARY VISITS SPEEDILY. PROVIDE DOCUMENTATION FOR THE GROUNDS OF REFUSAL OF VISAS IN A TIMELY MANNER, WITH A MECHANISM FOR APPEAL AND RAPID RE-APPLICATION. PARTICULAR ATTENTION MUST BE SHOWN TO QUICKLY HANDLE REQUESTS FOR VISITS IN MEDICAL EMERGENCIES, OR TO ATTEND THE FUNERALS OF RELATIVES.

--PERMIT TRAVEL ABROAD FOR REASONS OF MEDICAL CARE AT THE APPLICANT'S DISCRETION UPON INVITATION FROM EITHER INDIVIDUAL FOREIGNERS OR FOREIGN MEDICAL INSTITUTIONS, WITHOUT DEMANDING APPROVAL FROM THE HOME COUNTRY'S MINISTRIES OF HEALTH OR OTHER AGENCIES, AND REGARDLESS OF THE TYPE OF EQUIVALENT MEDICAL CARE THAT MAY BE AVAILABLE IN THE APPLICANT'S HOME COUNTRY. PERMIT FOREIGN PHYSICIANS TO VISIT THEIR PATIENTS IN THEIR HOME COUNTRIES WITHOUT INTERFERENCE. PERMIT UNHINDERED MAILING OR DELIVERY OF MEDICINES THAT ARE RECOGNIZED OR AUTHORIZED FOR PRODUCTION BY THE GOVERNMENT OF THE PATIENT'S HOME COUNTRY, BUT WHICH MAY BE IN SHORT SUPPLY OR PROHIBITIVELY EXPENSIVE IN THE HOME COUNTRY.

--FACILITATE GRANTING OF VISAS FOR BUSINESS OR PERSONAL TRAVEL. EASE REQUIREMENTS FOR EXCHANGE OF A CERTAIN AMOUNT OF CURRENCY PER DAY, AND RESTRICTIONS ON THE AMOUNT OF FOREIGN CURRENCY THAT MAY BE PURCHASED. PROVIDE COMPLETE EXPLANATIONS FOR REASONS OF REFUSAL IN A SPEEDY FASHION.

--EXPLORE AVENUES FOR FACILITATING AND SUBSIDIZING TOURISM BETWEEN PARTICIPATING STATES. REPEAL EXISTING LAWS THAT REQUIRE CITIZENS TO REPORT ON ANY CONTACTS WITH FOREIGNERS TO LOCAL AUTHORITIES. REPEAL EXISTING LAWS STIPULATING FINES OF CITIZENS WHO PROVIDE TRANSPORTATION OR LODGING TO FOREIGNERS WITHOUT PRIOR NOTIFICATION OF LOCAL OFFICIALS. INITIATE PROCEDURES TO PERMIT FOREIGN TOURISTS TO BOARD IN PRIVATE HOMES OR WITH FRIENDS AND RELATIVES, RATHER THAN REQUIRING THAT FOREIGNERS STAY ONLY IN STATE HOTELS. INCREASE THE LENGTH OF TIME PERMITTED FOR TOURIST TRIPS. PROVIDE COMPLETE EXPLANATIONS FOR REFUSAL OF TOURIST VISAS AND CEASE THE PRACTICE OF DENYING VISAS WITHOUT CAUSE OR NOT RESPONDING IN ANY WAY TO APPLICATIONS FOR VISAS, THUS DISRUPTING TRAVEL PLANS. CEASE THE PRACTICE OF HAVING SECURITY AGENTS TO MONITOR THEIR MOVEMENTS.

--CEASE INTERFERENCE WITH MAIL AND TELEPHONE COMMUNICATION. ESTABLISH DIRECT-DAILING TELEPHONE CALLING AND PERMIT COLLECT CALLS OR PERSON-TO-PERSON CALLS TO BE MADE TO CONTACTS ABROAD. PERMIT THE USE OF AUTOMATIC ANSWERING DEVICES. CEASE THE PRACTICE OF INTERRUPTING INTERNATIONAL PHONE CALLS OR SHUTTING OFF A CALLER'S PHONE SERVICE BECAUSE OF INTERNATIONAL PHONE CALLS. PROVIDE DETAILED EXPLANATION FOR NON-DELIVERY OF MAIL AND PACKAGES. ENSURE THAT MAIL SENT WITH A REGISTERED RECEIPT TO BE SIGNED ONLY BY THE ADDRESSEE REACHES THE ADDRESSEE, AND THAT THE ADDRESSEE'S REPLY POST-CARD IS RETURNED TO THE SENDER. EASE HEAVY DUTY FEES ON PACKAGES SENT FROM ABROAD, AND REESTABLISH THE PRACTICE OF PERMITTING THE SENDER TO PAY ALL DUTY AND POSTAGE FEES ON BEHALF OF THE RECIPIENT AT THE POINT OF MAILING.

--PERMIT THE DELIVERY OF INVITATIONS TO ATTEND INTERNATIONAL CONFERENCES, EVENTS, ACADEMIC EXCHANGES, ETC., EITHER THROUGH THE REGULAR MAILS, OR BY REPRESENTATIVES OF FOREIGN EMBASSIES OF THE SENDERS. PROCESS IN A TIMELY MANNER APPLICATIONS TO ATTEND INTERNATIONAL CONFERENCES UPON INVITATION OR AT THE DISCRETION OF THE APPLICANT. SUPPLY FULL DOCUMENTATION ON GROUNDS FOR REFUSAL.

--FACILITATE TRAVEL FOR CONTACT BETWEEN CO-RELIGIONISTS, TO ATTEND RELIGIOUS CEREMONIES OR CONFERENCES. ALLOW MAILING OR HAND-DELIVERY OF RELIGIOUS LITERATURE AND ARTICLES BETWEEN STATES WITHOUT INTERFERENCE BY CUSTOMS AGENTS OR LOCAL AUTHORITIES. INCREASE OPPORTUNITIES, NOW VERY RESTRICTED, FOR RELIGIOUS BELIEVERS TO STUDY IN SEMINARIES ABROAD, OR FOR CLERGY TO CARRY OUT MISSIONARY WORK IN THE COUNTRY....

--INCREASE OPPORTUNITIES FOR YOUTH OF PARTICIPATING COUNTRIES TO TRAVEL OR STUDY ABROAD, INCLUDING RESIDENCE IN PRIVATE HOMES, AND TO MEET WITH EACH OTHER WITHOUT INTERFERENCE DURING INTERNATIONAL CONFERENCES OR EVENTS.

MR. CHAIRMAN, MANY OF YOU MUST HAVE SUCH LISTS. IT IS OF SOME CONSIDERABLE COMFORT TO SEE THAT WE HAVE MANAGED TO DISCUSS VIRTUALLY ALL THSE POINTS DURING OUR DEBATES. SOME OF OUR DISCUSSIONS WERE HARD AND DEEP INDEED.

NOW WE MUST SHOW REALISM. OUR AIM, AFTER ALL, IS TO HELP REAL PEOPLE. WE MUST KEEP THEIR FACES IN MIND AS WE APPROACH THE FINAL DECISIONS ON THE PROPOSALS NOW BEFORE US.

WORDS VS. COMPLIANCE
CONCLUDING PLENARY ADDRESS BY
MICHAEL NOVAK
U.S. DELEGATION

MAY 27, 1986

MR. CHAIRMAN:

FOR TEN AND A HALF YEARS NOW, THE HELSINKI PROCESS HAS SOUGHT TO IMPROVE THE LIVES OF ORDINARY PEOPLE. IN MANY RESPECTS, IT HAS SUCCEEDED. HUMAN CONTACTS ARE IN SEVERAL STATES FREER AND MORE OPEN THAN THEY WERE TEN YEARS AGO. THIS IS A PRECIOUS GAIN.

ALAS, IN OTHER STATES, HUMAN CONTACTS ARE IN SOME RESPECTS WORSE.

BEGINNING EIGHT WEEKS AGO, ALL OF US ASSEMBLED HERE PLEDGED THAT WE WOULD EXAMINE THOSE MATTERS UNBLINKINGLY AND WITHOUT ILLUSIONS. AND SO WE DID.

AT BERN, MY DELEGATION DISCERNS THREE SIGNIFICANT ACHIEVEMENTS. FIRST, THERE WERE THE INDIVIDUAL PERSONS HELPED, IF NOT ALWAYS PRECISELY BECAUSE OF BERN, NONETHELESS OCCASIONED BY OUR MEETING HERE. WE DO NOT HAVE A PRECISE COUNT OF THE PERSONS -- BUT DO KNOW THAT THEY NUMBER NEARLY A THOUSAND -- EARLIER NOT PERMITTED TO BE REUNITED WITH THEIR SPOUSES OR CHILDREN, WHO, BECAUSE BERN TOOK PLACE, HAVE THE PROMISE TO BE IN THE COMPANY OF THEIR LOVED ONES.

IT WAS WORTH IT, DURING THESE HARD WEEKS IN BERN, TO PLAY A SMALL ROLE IN A PROCESS THAT ACTUALLY HELPED SO MANY PERSONS. WOULD THAT THERE HAD BEEN THOUSANDS MORE!

SECOND, WE HAD AT BERN A PENETRATING REVIEW OF COMPLIANCE AND PERFORMANCE. ANYONE WHO READS THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT FEELS IMMEDIATELY IN THE PRESENCE OF TRULY NOBLE DOCUMENTS. THEY HAVE A VISIONARY POWER. YET, THE REAL NEED AT THIS POINT IN HISTORY IS NOT SO

MUCH FOR NEW DOCUMENTS, AS FOR COMPLIANCE WITH EXISTING DOCUMENTS. THE TEST FOR THE HELSINKI PROCESS IS NOT THE PRODUCING OF NEW DOCUMENTS. THE TEST IS COMPLIANCE AND PERFORMANCE.

OUR DEBATES HERE WERE HONEST; THE SPIRIT WAS CANDID. WE ARGUED MIGHTILY WITH ONE ANOTHER. WE SHOWED CLEARLY, OVER AND OVER, THOSE PLACES, THOSE PRACTICES, AND THOSE METHODS BY WHICH THE NOBLE IDEALS OF HELSINKI AND MADRID, AFFIRMED ON PAPER, ARE FRUSTRATED IN DAILY REALITY. OUR IMPLEMENTATION REVIEW WAS ONE OF THE BEST, VETERANS OF PAST MEETINGS HAVE SAID, IN CSCE HISTORY.

WE HEARD COUNTLESS SUFFERINGS DESCRIBED. WE HEARD HOW MILLIONS ARE SEPARATED FROM HUMAN CONTACTS, ELSEWHERE CONSIDERED NORMAL. WE HEARD MANY VOICES OF PAIN. OUR MAIL BAGS BROUGHT US NEW MATERIALS EVERY DAY. THERE ARE FEWER EXCUSES FOR ILLUSIONS THAN THERE WERE EIGHT WEEKS AGO.

THE THIRD GREAT SUCCESS OF THE BERN MEETING LAY IN AN INCREMENTAL GROWTH OF A COMMON EUROPEAN LANGUAGE, THE ANCIENT LANGUAGE OF OUR HEARTS AND INTELLECTS, OUR IDEALS AND HOPES. MORE AND MORE, THE DEBATES OF CSCE CREATE A COMMON BODY OF THOUGHT FOR ALL OF EUROPE, A EUROPEAN CONSCIENCE.

THESE ARE THREE GREAT GAINS: INDIVIDUAL PERSONS HELPED; A CLEAR-EYED EXAMINATION OF REALITY, WITHOUT ILLUSIONS; AND THE SLOW RAISING OF INTERNATIONAL STANDARDS, ACCORDING TO A NEW COMMON MORAL LANGUAGE.

MR. CHAIRMAN, ALL THESE GAINS DEPEND ON WORDS. WORDS INSPIRE THEM. WORDS GUIDE THEM. BUT IN THE END ONLY THOSE WORDS HAVE WEIGHT THAT EMBED THEMSELVES IN REALITY: THAT ARE COMPLIED WITH, AND PUT INTO PERFORMANCE.

THE WORDS OF THIS HELSINKI PROCESS ARE ESPECIALLY PRECIOUS, BUT ALSO ESPECIALLY FRAGILE. THEY HAVE HIGHEST VALUE WHEN THEY ARE COMPLIED WITH. THEY GAIN THEIR WEIGHT FROM PERFORMANCE.

IN RECENT YEARS, MANY DELEGATIONS AMONG US REPEATED THAT FREE AND OPEN CONTACTS AMONG PERSONS HAVE DETERIORATED IN CERTAIN VIVID WAYS: DIVIDED SPOUSES, DISUNITED FAMILIES. COMPLIANCE HAS DECLINED. IN SUCH CIRCUMSTANCES PRECIOUS WORDS LOSE MEANING.

THE STRENGTH OF THE FOUNDING DOCUMENTS OF THIS PROCESS DEPENDS UPON THE CREDIBILITY OF WORDS. THAT IS WHY, TO EVEN THE SCALES OF THE DEMONSTRATED DECLINE IN COMPLIANCE IN RECENT YEARS, MY GOVERNMENT KNEW THAT A BERN DOCUMENT WOULD HAVE TO SET A HIGH STANDARD. OTHERWISE, THE PUBLIC WOULD LOSE CONFIDENCE. AND CONFIDENCE-BUILDING IS THE ESSENCE OF THE HELSINKI PROCESS.

EVERY DELEGATION HERE KNOWS THE BRILLIANT AND CAREFUL WORK OF THE COORDINATORS FROM THE NEUTRAL AND NON-ALIGNED DELEGATIONS. THEY FAIRLY REFLECTED THE LONG, SLOW COURSE OF OUR NEGOTIATIONS. THEY PERFORMED AT THE HIGHEST HUMAN LEVEL.

BUT OUR CSCE PROCESS WORKS, RIGHTLY, THROUGH CONSENSUS. EACH STEP IN OUR NEGOTIATIONS, RIGHTLY, DEMANDED COMPROMISE. IN ORDER TO ACHIEVE COMPROMISE, AS IS NORMAL, LOOPHOLES CREEP INTO THE TEXT. TO THE RIGHT TO TRAVEL, FOR EXAMPLE, WAS ADDED THE LOOPHOLE "WHEN PERSONAL AND PROFESSIONAL CIRCUMSTANCES PERMIT." HONEST AUTHORITIES WILL UNDERSTAND THIS ONE WAY, BUT CYNICAL AUTHORITIES WILL USE IT TO ALTER SUCH CIRCUMSTANCES AT WILL. LOOPHOLES ARE SOMETIMES NECESSARY. BUT, CUMULATIVELY, THEY EAT LIKE MOTHS INTO OUR FOUNDING DOCUMENTS.

INEVITABLY, TOO, ROBUST PROPOSALS LOST WEIGHT. UNTIL THE END, IT WAS IMPOSSIBLE TO ADD UP THE WEIGHT OF ALL TOGETHER. WHEN AT LAST MY GOVERNMENT COULD WEIGH THEM, IT FOUND THE DOCUMENT TOO THIN, CONTAINING LOOPHOLES DAMAGING TO COMPLIANCE.

MY GOVERNMENT TAKES WORDS SERIOUSLY. IN OUR COUNTRY, THERE IS UNEASINESS ABOUT THE GROWING GAP IN THE HELSINKI PROCESS BETWEEN WORDS AND COMPLIANCE. A DOCUMENT REDUCED IN WEIGHT BY MANY COMPROMISES, IT JUDGED, WOULD INJURE THE PROCESS ALL OF US CHERISH AND MUST PROTECT.

MR. CHAIRMAN, MY DELEGATION DEEPLY RESPECTS ALL OUR COLLEAGUES IN THIS ROOM, WITH WHOM WE WORKED SO HARD AND LONG. WE ARE DEEPLY GRATEFUL TO OUR SWISS HOSTS. WE BELIEVE THAT THE CSCE PROCESS GAINS IN STRENGTH FROM PAYING STRICT ATTENTION TO THE CONNECTION BETWEEN WORDS AND COMPLIANCE. OUR GOVERNMENT LOOKS FORWARD EAGERLY TO RESUMING THE LONG, PATIENT AND CRUCIAL WORK OF THIS PROCESS IN VIENNA.

THE DEBATES AT BERN HAVE PAVED THE WAY FOR VIENNA. IN COMPLIANCE AND PERFORMANCE, WORK TO IMPROVE HUMAN CONTACTS WILL SPEED UP. BERN HAS GIVEN AN UNDENIABLE IMPETUS TO BASIC ISSUES OF HUMAN CONTACTS. BERN HAS LAUNCHED A NEW SERIOUSNESS ABOUT COMPLIANCE -- AND IT HAS UNDERLINED THE EXTREME SERIOUSNESS OF FUNDAMENTAL WORDS. THIS IS THE HISTORIC LEGACY.

DEEPEST THANKS ARE DUE TO THE GOVERNMENT OF SWITZERLAND FOR MAKING THAT POSSIBLE.

APPENDIX 8

ALFONSE M. D'AMATO
CHAIRMAN

STENY H. HOYER
CO CHAIRMAN

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE
CONGRESS OF THE UNITED STATES
WASHINGTON, D.C. 20515

MICHAEL R. HATHAWAY
STAFF DIRECTOR

SAMUEL G. WISE
DEPUTY STAFF DIRECTOR

MARY SUE HAFNER
GENERAL COUNSEL

237 HOUSE OFFICE BUILDING ANNEX 2

(202) 225-1901

April 1, 1986

The Honorable Michael Novak
Head of Delegation
Bern Human Contacts Experts' Meeting
Bern, Switzerland

Dear Ambassador Novak:

As you begin the Bern Human Contacts Experts Meeting, the Commission extends its good wishes for your success and offers its support in your endeavors. Since its inception, the Commission has worked vigorously and closely with the State Department in the development, coordination and implementation of CSCE policy. The Commission looks forward to continuing this productive relationship in Bern and as the United States prepares for Vienna.

The Bern Human Contacts Experts Meeting is taking place at a time when the utility of the decade-long Helsinki process is coming under increased scrutiny by the domestic press and public. U.S. success at Bern will depend in large part on maintaining public support for our negotiating effort.

The preparatory negotiations are critical to the success of the main experts' meeting, for in CSCE, procedural rules affect a delegation's ability to pursue matters of principle effectively at the main meeting. The degree of openness of the session and the allotment of sufficient time for a comprehensive review of implementation are matters of particular importance to the public credibility of the proceedings.

The Commission strongly believes that a significant part of the main meeting -- no less than three weeks -- should be devoted to a full review of implementation of the human contacts provisions of the Final Act. The agenda should be organized in such a manner as to ensure that all aspects of human contacts as reflected in the Helsinki and Madrid documents, are thoroughly discussed. The Commission is of the view that in Bern, a realistic appraisal of compliance with existing commitments should remain the principal focus of the meeting and not the formulation of new commitments or of a final document. No final report or conclusions and recommendations are explicitly required by the meeting's mandate.

Secondly, as a matter of principle in CSCE, the United States repeatedly has stressed the vital role that private individuals and non-governmental representatives play in the Helsinki process. Consistent with this position, the United States should strive and be seen by the press and public to strive at the preparatory meeting to achieve a maximum degree of openness at Bern.

In addition, special effort, particularly in light of the subject matter at Bern, should be made to ensure access of accredited journalists and non-governmental visitors to the public rooms of conference centers. Both openness and access are critical to the continuing public support for the Helsinki process.

The Commission intends to hold a hearing on April 15 to coincide with the opening of the Bern Conference. The hearing will focus on Soviet and East European emigration policies and practices and should provide a body of information helpful to the delegation. It also will serve to increase public awareness and understanding of the critical human rights issues with which you will be dealing in Bern. Furthermore, as events unfold in Congress that may be relevant to Bern, the Commission will be pleased to keep you advised.

Again, the Commission extends its best wishes for a successful preparatory meeting.

Sincerely,

Steny H. Hoyer

STENY H. HOYER
Co-Chairman

Alfonse D'Amato

ALFONSE M. D'AMATO
Chairman

THE FOLLOWING IS AMBASSADOR NOVAK'S RESPONSE TO APRIL 1, 1986 COMMISSION LETTER TRANSCRIBED FROM STATE DEPARTMENT CABLE:

April 8, 1986

Dear Senator D'Amato and Congressman Hoyer:

Thank you very much for the guidance, support and best wishes extended in your letter of April 1.

It is already clear to me that the strength of the U.S. presence at this conference depends on the fullest possible use of the talents represented within our own delegation. I am especially glad to have Sam Wise; his observations have already been invaluable.

I endorse your hearing of April 15 enthusiastically. Such hearings have effect abroad. On opening day here, the head of the Polish delegation questioned me about my testimony before you March 18. The more powerful your hearing is on April 15 in Washington, the more you will strengthen us in Bern.

I take seriously your cautionary comment about the credibility of the CSCE process. The Western and Neutral nations seem to support us on a substantial review of implementation and in having open plenary meetings. But how much heat they are willing to take from the Soviets -- who are adamant in resisting both -- is not yet clear. We have continued meeting privately with the Soviets to try to persuade them. The crunch will come this weekend. Since the procedure is by consensus, even one "no" vote can block the path.

But I hope that arguments such as those in my speech later today to the plenary April 7 will create pressures that the East cannot entirely ignore. So far, however, the Soviets are totally "nyet." We shall see.

Concerning the obligation to review the record, there is complete agreement within the NATO caucus to do so. Not all our friends value specific illustration as we do, but they do understand that there will be times when the U.S. delegation must as a matter of conscience cite specific cases. I have stressed the importance of spending about half the time throughout the conference (under whatever heading) on implementation review. We have general acceptance within the NATO caucus for this proposition. If we do not get everything we want in the formal agenda, we will simply use our time as we deem appropriate, putting the emphases where they properly belong.

I thank you again for your close partnership as the Bern Conference unfolds.

Sincerely,

Michael Novak
Head of U.S. Delegation
Bern Human Contacts Experts Meeting

ALFONSE M. D'AMATO
CHAIRMAN

STENY H. HOYER
CO-CHAIRMAN

COMMISSION ON
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GENERAL COUNSEL

237 HOUSE OFFICE BUILDING ANNEX 2

(202) 225-1901

April 24, 1986

The Honorable Michael Novak
Head of Delegation
Bern Human Contacts Experts Meeting
Bern, Switzerland

Dear Ambassador Novak:

We are grateful for your thoughtful response to our letter of April 1 concerning the United States approach to the Bern Human Contacts Experts Meeting. This letter merely reinforces our previous letter now that the main meeting has opened.

First let us congratulate you on your efforts at Bern so far. Your speeches during the preparatory meeting and the opening of the main meeting were well received by the Commission and U.S. NGOs with whom we have been in contact. While the agenda which you and your colleagues worked out for the main meeting does not contain the degree of openness which we had hoped for, it does preserve the gains made at Ottawa and other CSCE meetings. It should allow you to pursue the common objectives we are all aiming for.

NGO activities during the first week were smoothly handled from early reports by returned participants. While NGO presence has declined, we anticipate another surge of interest as the meeting's conclusion approaches.

We are sure that you are as disappointed as we are that the meeting has generated little press coverage in the United States. We are hopeful that a creative and energetic effort can improve this situation before the end of the meeting.

As you enter the main portion of the HCEM, we take the liberty of passing on some additional thoughts and information which we hope will be useful to you as you seek a successful and publicly defensible result. On April 22 the Commission held a hearing on East Bloc emigration policies which attracted considerable attention, particularly among the broadcast media. The hearing also produced significant statements and testimony which we are forwarding to you for use at the meeting. One of our witnesses, Senator Paul Simon, presented the divided spouses film smuggled out of the Soviet Union which generated much press interest. We understand that you have a copy of this powerful video which you will be showing to the delegates in Bern.

In addition to Soviet violations of the Helsinki human contacts provisions, Felice Gaer of the International League for Human Rights offered detailed testimony on human contacts restrictions in the other Warsaw Pact states. Romania's performance record, in particular, was discussed at length. As you conveyed to the Romanian delegation during your recent bilateral discussions, the climate in Congress is ominous for a renewal of Romania's Most-Favored-Nation status. A factual review in plenary of Romania's record, citing both its positive and negative aspects, would be viewed by Congress as both timely and appropriate. A balanced reference in plenary should not preclude, however, a continuation of bilateral discussion with the Romanian delegation.

We are also forwarding to you a number of cases chiefly involving the USSR, Poland and Romania which have been referred to the Commission by members of Congress. We know that your foremost goal at Bern is to make concrete progress on specific cases. Resolution of these cases as well as others of which the delegation is aware will provide the acid test of compliance for the Soviet Union and its Eastern allies. How best to achieve this goal -- whether by quiet diplomacy or forceful presentation of specific cases -- is a tactical question which you are best positioned to decide. It would, however, be a real setback if there were to be neither significant concrete progress on cases nor a candid setting forth of the record including the naming of names. In this context, we recall that the U.S. has cited specific cases ever since the Belgrade meeting. The Commission has in mind, of course, both U.S. bilateral cases as well as the equally deplorable state of Soviet Jewish emigration and contacts issues of widespread popular interest such as the isolation of Sakharov.

Finally a word about a concluding document. We understand that three weeks -- rather than the one week which the U.S. proposed -- will be devoted to consideration of proposals and recommendations for a concluding document and to drafting a concluding document. As we indicated in our earlier letter, the Commission believes that a realistic appraisal of compliance should remain the principal focus of the meeting - not the formulation of new commitments or of a final document.

There are only three circumstances in which we would find a final document desirable: first, in conjunction with significant progress on specific Soviet and Eastern European cases, including forward movement in the area of Soviet Jewish emigration; second, if there is only minimal or no concrete progress on cases but there is a realistic expectation that new promises would lead to such progress, and; third, as a short statement of failure if there is neither significant progress on specific cases at this meeting nor any realistic hope for future progress. Any other outcome will lead to further disillusionment with the CSCE process and additional loss of public credibility.

We recognize the difficult task before you, and we wish you every success. If there is any way the Commission can assist you, please let us know. We look forward to seeing you in Bern during the closing days of the meeting.

Sincerely,

Steny H. Hoyer
STENY H. HOYER
Co-Chairman

Alfonse D'Amato
ALFONSE M. D'AMATO
Chairman

THE FOLLOWING IS AMBASSADOR NOVAK'S RESPONSE TO APRIL 24, 1986 COMMISSION LETTER TRANSCRIBED FROM STATE DEPARTMENT CABLE:

May 7, 1986

Dear Senator D'Amato and Congressman Hoyer:

I appreciate your sustained effort to keep me abreast of the Commission's thinking as the Bern Human Contacts Experts Meeting unfolds. As we set our course here for the second half of the Conference, your letter of April 24 and Michael Hathaway's good counsel have been particularly useful. I also compliment the excellent management by Sam Wise and Orest Deychak of our NGO operation the opening week. Their dexterity in assisting NGOs has much to do with the satisfaction they have expressed.

To date, the Bern Meeting has had two positive aspects: an effective and detailed review of Eastern compliance by the West -- a number of our NATO Allies participating vigorously and candidly -- and tangible though limited progress by Bulgaria and Romania on individual cases. We have seen no Soviet moves in this direction to date and will continue pressing. This effort will become more specific, now that the general groundwork has been laid.

On May 1, I delivered a plenary statement principally on the issue of emigration from the USSR, building on the materials presented at your hearing April 22. Attached to the statement was an Annex listing some of the specific cases you provided. In the statement itself, I raised several cases, including those of two-year-old Kaisa Randpere, the beating of Berenshtein, etc.

In the case of Romania, we have to date dealt with Human Contacts problems (such as laws restricting contact with foreigners and the treatment of applicants for emigration) generically, without citing the country or individuals by name. I have taken this tack to extract as many case resolutions from the Romanians as possible, or at least not to allow them a pretext for stopping the flow. Your points on this subject are well taken and will figure in how we proceed.

I hope you were as delighted and moved as I by the tale of divided spouses that appeared in the April 21 edition of "U.S. News and World Report." Those that were here during the first week of the meeting added greatly to our ability to paint their situation in simple, vivid, human terms. I will indeed arrange a showing of the video film about them for delegates and the media.

During the initial week of the meeting, over 100 correspondents were here. Many of them attended our twice-daily press briefings and had direct access to me. I gave interviews to the AP, "New York Times," UPI and Reuters, but was told by them later that the events in Libya had virtually blacked out interest. Nevertheless, the three agencies, to which almost every American newspaper subscribes, are in frequent touch with our Public Affairs Advisor. He briefs them by phone and sends them speeches by telefax to Geneva and Zurich. The same is true of the European Office of the "Wall Street Journal." As in the past "The Washington Post" has not been represented here, but "The Washington Times" did cover the opening.

The State Department has sent the first of several planned mailings to NGOs about developments at Bern, primarily the texts of U.S. statements and summaries of the plenary proceedings. Judging from comments made by NGOs to me before coming and since, I suspect these mailings and the briefings we have provided here will get lively and extensive play in the NGO press around the country.

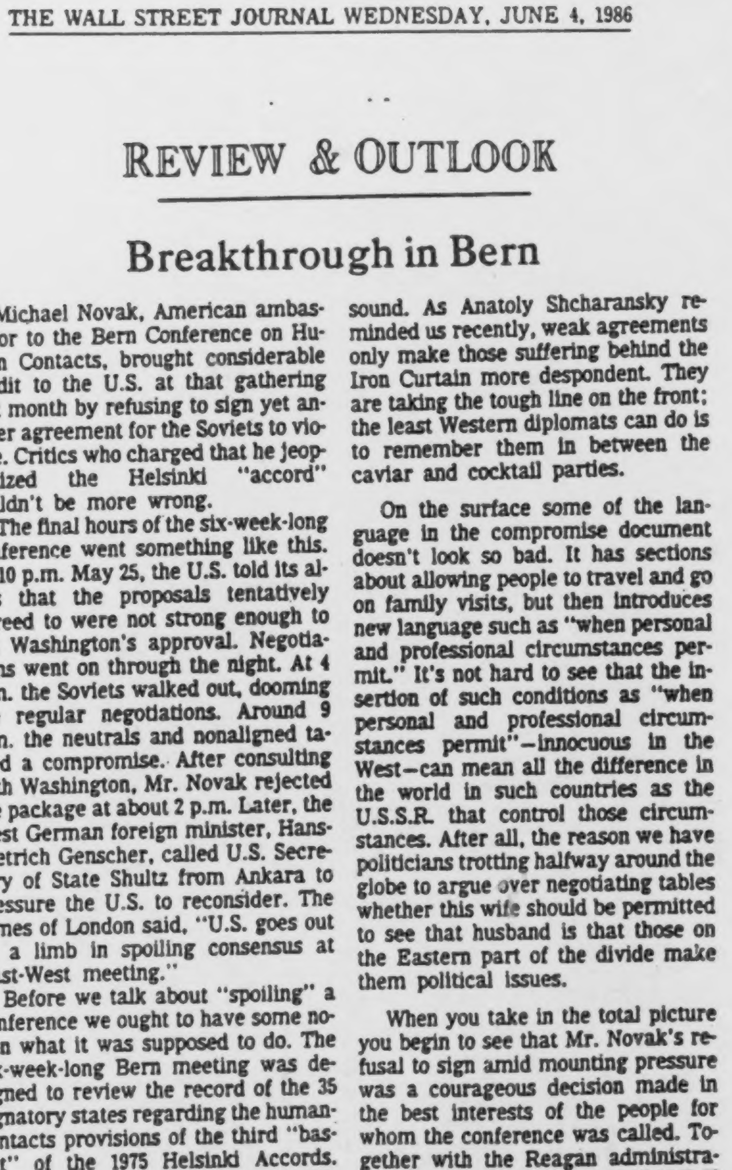
I share your views on the conditions that would make a final document desirable. Consideration for the various positions of our NATO allies is another factor in the equation. In the end we may need to decide not whether a document is desirable, but whether what we have before us is acceptable. Do not underestimate the difficulty of the choices that may be posed. My hope is that we can over the course of eight weeks here accumulate enough practical results to be able to say that the meeting was useful, final document or no. Resolution of cases is one benchmark. Another is the review of implementation. It is very much my intention, and that of our Allies, to carry this review into the next phase of the meeting. We will continue to raise and discuss problems as we suggest possibilities for resolving them.

It will be a pleasure to have you here shortly, to witness whatever the end-game can produce.

Sincerely,

Michael Novak
Head of U.S. Delegation
Bern Human Contacts Experts Meeting

Appendix 9



THE WALL STREET JOURNAL WEDNESDAY, JUNE 4, 1986

REVIEW & OUTLOOK

Breakthrough in Bern

Michael Novak, American ambassador to the Bern Conference on Human Contacts, brought considerable credit to the U.S. at that gathering last month by refusing to sign yet another agreement for the Soviets to violate. Critics who charged that he jeopardized the Helsinki "accord" couldn't be more wrong.

The final hours of the six-week-long conference went something like this. At 10 p.m. May 25, the U.S. told its allies that the proposals tentatively agreed to were not strong enough to get Washington's approval. Negotiations went on through the night. At 4 a.m. the Soviets walked out, dooming the regular negotiations. Around 9 a.m. the neutrals and nonaligned tabled a compromise. After consulting with Washington, Mr. Novak rejected the package at about 2 p.m. Later, the West German foreign minister, Hans-Dietrich Genscher, called U.S. Secretary of State Shultz from Ankara to pressure the U.S. to reconsider. The Times of London said, "U.S. goes out on a limb in spoiling consensus at East-West meeting."

Before we talk about "spoiling" a conference we ought to have some notion what it was supposed to do. The six-week-long Bern meeting was designed to review the record of the 35 signatory states regarding the human-contacts provisions of the third "basket" of the 1975 Helsinki Accords. These provisions concern the reunification of spouses and families, freedom of travel, cultural exchanges and the like.

The U.S. position, as Ambassador Novak put it, was that what is needed is "not more documents but more compliance." Translated into policy, this means that the U.S. will not put its name to any more agreements unless those agreements are a clear, full step forward. That was the reason for signing at Madrid; that was the reason for refusal in Bern. Whatever its application, the rationale is eminently sound. As Anatoly Shcharansky reminded us recently, weak agreements only make those suffering behind the Iron Curtain more despondent. They are taking the tough line on the front; the least Western diplomats can do is to remember them in between the caviar and cocktail parties.

On the surface some of the language in the compromise document doesn't look so bad. It has sections about allowing people to travel and go on family visits, but then introduces new language such as "when personal and professional circumstances permit." It's not hard to see that the insertion of such conditions as "when personal and professional circumstances permit"—innocuous in the West—can mean all the difference in the world in such countries as the U.S.S.R. that control those circumstances. After all, the reason we have politicians trotting halfway around the globe to argue over negotiating tables whether this wife should be permitted to see that husband is that those on the Eastern part of the divide make them political issues.

When you take in the total picture you begin to see that Mr. Novak's refusal to sign amid mounting pressure was a courageous decision made in the best interests of the people for whom the conference was called. Together with the Reagan administration's decision last week on SALT II and Mr. Reagan's own refusal in Geneva to be pressured into another meaningless agreement, it points to a new resolve in American policy: The U.S. will no longer agree to anything just for the sake of agreement. This will strengthen the hand of the negotiators the next time round, e.g., the general review of Helsinki scheduled for November in Vienna. Most important, it signals that the Americans are serious enough about negotiation to reject language that doesn't represent progress.

THE WALL STREET JOURNAL, WEDNESDAY, JUNE 4, 1986

Taking Helsinki Seriously

By Michael Novak

BERN – Is the Helsinki process worth it? There are many who say no. I have seen clear evidence to the contrary, in the Bern meeting just concluded.

The Helsinki Final Act is nearing its 11th anniversary this August. It set in motion a novel institution – the Conference on Security and Cooperation in Europe – an institution with no headquarters, no staff, no permanent budget: rather a "process," or series of meetings on topics crucial to Europe and North America, from security questions to economics to human rights and human contacts. Its most recent meeting was in Bern, from April 15 to May 27, on the "human contacts" provisions of Helsinki. These provisions cover family reunification, family visits across borders, tourism, professional travel, etc. My assignment was to head the U.S. delegation, meeting with 34 others from Europe and North America.

During the six weeks in Bern the Western and neutral nations painstakingly reviewed the deterioration of compliance with the Helsinki Accords – including serious declines in emigration for family reunification and in family visits; the enforced isolation of Soviet citizens from contact with foreign visitors, etc. Noncompliance in other hard-line states (such as Bulgaria's horrible assault on its Turkish minority) was also demonstrated in detail. One has not often seen the U.S.S.R. and some of its allies so totally on the defensive, day after day. They were obliged to defend their record in the light of Western values, for these are the values enshrined in the Helsinki Final Act and the 1983 Madrid Concluding Document.

Human-Rights Records

Here an important element came to light: Several of the Marxist nations have far better records than the U.S.S.R. The borders of Yugoslavia (a nonaligned country) and Hungary, for example, if not quite open are remarkably so; emigrants and visitors leave in great numbers. Poland, too, except for arbitrary restrictions on certain persons, allows great latitude for travel in and out. Thus, the *reasons* for noncompliance in certain Marxist nations cannot be said to be simply "ideological," required by the nature of a Marxist social system. The reason for noncompliance seems to have to do with the fear and insecurities of a particular ruling class, among them those of the U.S.S.R., Bulgaria and Czechoslovakia.

This increasing differentiation among Eastern states is one of the best fruits of the Helsinki process. Some peoples and cultures do seem to be far more classically European in their tendencies and inclinations, less Asiatic, less closed, less fearful. In this differentiation lies considerable hope for further evolution in the future.

Indeed, one of the most remarkable realities of the Helsinki process is the gradual emergence of a single European language about individual rights, openness, liberality and freedom – a new set of moral standards governing the behavior of states. Even in defending themselves the Soviet delegation often employed liberal values, as in mentioning with pride the number of persons who went abroad for family reasons in 1985 (120,000) – about as many who go through Heathrow Airport in a single day, one Western delegate wryly observed.

On human rights and human contacts matters, to repeat, the Helsinki standards of judgment have unmistakable Western roots. The Soviet defense against such principles is to introduce loopholes. Only so can the Soviets continue to allow reasons of state to prevail over individual liberties.

On human rights and contacts the Helsinki standards of judgment have unmistakable Western roots. The Soviet defense against such principles is to introduce loopholes.

In this respect, the Bern meeting permitted a thorough factual review of the way Soviet administrations today frustrate actual compliance with the philosophical principles they committed themselves to in Helsinki and Madrid. They affirm shining principles up ahead, then invent labyrinthine bureaucratic obstacles that prevent individuals from ever reaching them.

With this in mind the U.S. decided in the end not to give consent to a last-ditch compromise document presented on a take-it-or-leave-it basis in the last hours at Bern. Here is how it happened. At 4 a.m. on May 26, the U.S.S.R. delegation walked out on the regular negotiations, dooming any final document. At 9:30 a.m. the neutral and nonaligned nations presented a last-ditch compromise. Having made a good-faith effort to walk the last mile in seeking a strong, sound final document, the U.S. reluctantly found this compromise too weak, too modest, and too moth-eaten with loopholes to give consent to, even though, weary and in some cases grudgingly, other delegations were willing to go along with it.

It is difficult to stand alone; to do so is not done lightly. Some Western colleagues desired even modest progress. They have seen how modest steps in the past have led to tangible fruits for their citizens. Not all governments are as cynical as the U.S.S.R.: There is slow but real progress elsewhere. This is a strong argument.

Nonetheless the U.S. judged that any weakening of the fundamental principles of Helsinki and Madrid would bring the whole Helsinki process into a deepening crisis of credibility. In the last-minute compromise document, a large majority of the strong, initial Western proposals were either missing, dramatically weakened by compromise, or riddled with loopholes offering cynical governments new language by which to justify future noncompliance.

For example, Helsinki had already affirmed the commitment that governments will "favorably consider applications for travel" for family visits. The Bern compromise, in trying to resolve some specific obstacles to family travel, would also have introduced a new loophole: "When personal and professional circumstances permit." Cynical governments able to change personal and professional circumstances at will would be able to use such a new loophole massively.

Another proposal, permitting travel by persons irrespective of their cultural, ethnic or national origin, would have been limited to travel to other "participating states" – thus excluding Israel. This whole paragraph had thus to be stricken from the compromise. Again, the proposal on travel for religious reasons was restricted to "representatives" of religious institutions, not including individual believers, and would have allowed the importation of religious publications and religious objects only "for their own use," i.e., not for distribution to their congregations.

'Dangerous Loopholes'

Taken together, the proposals contained in the compromise document were defended by some as, at most, "modest steps." Each had been compromised downward and/or subjected to dangerous loopholes. Cumulatively, however, they would later have been bitterly attacked by an increasingly skeptical public, for however unintentionally moving away from the clearer and more general commitments of Helsinki and Madrid. Given the record of noncompliance on clear and general commitments, the compromise document marked scant advance over previous documents and offered little promise of better compliance in the future. And it would have offered some fresh excuses for the noncompliant. That risk was too real to accept.

The final legacy of Bern therefore is that the words of Helsinki must be regarded with the utmost seriousness – honored in substance, complied with in practice. Helsinki gave us, as it were, the Ten Commandments. The emphasis should now be on better compliance. Intellectual rigor is the best guarantor of the integrity and credibility of the Helsinki process. That means making reality match commitments, and guarding existing commitments jealously.

Mr. Novak, whose books include "The Spirit of Democratic Capitalism" and "Freedom With Justice," holds the George Frederick Jewett Chair at the American Enterprise Institute in Washington. He was the U.S. ambassador to the Bern Conference on Human Contacts. The views expressed are his own.

A22 WEDNESDAY, JUNE 4, 1986

The Washington Post

AN INDEPENDENT NEWSPAPER

For Them the 'Iron Curtain' Is Real

IN A MORE civilized world, governments would not occupy themselves—would not have to—with the choices of individuals to move from place to place. But because the Soviet Union insists on controlling such choices, and the United States and other Western countries believe deeply that individuals should make such choices for themselves, a whole office of East-West diplomacy has grown up to deal with the subject—the Helsinki process. This traveling office met most recently in Bern, where two good things happened: an effort to agree on a final document broke down, and some 100-odd Soviet citizens (the figure later went up to 200) were given permission to leave for the United States.

To grasp why both of these developments were desirable, you have to remember two things about Helsinki. First, there are already plenty of agreements on paper: compliance is the crying need. Second, the value of Helsinki rests principally on the relief it can bring to individuals. It can seem trite in the overall scheme of things that, say, a few married couples forcibly separated by the Soviet border are permitted to get together on the Western side of it. The frustrations are very great, especially when you contemplate the huge number of individuals whose freedom the Soviet government continues to deny.

It is one of the quiet prides of Western diplomacy, however, that resources are devoted to bringing choice to a small number of the individuals for whom the "Iron Curtain" is no mere political symbol but the central feature of their lives. It reminds West and East alike of the difference between them. This is what should come to mind when people question, as they often do, whether Helsinki is worth the wear.

Of all the families in distress in the Soviet Union, none is so well known as the Sakharovs, and none is worthier of benefitting from the limited liberties the Soviet government promised its citizens when it signed the Helsinki accords. The physicist's wife has now returned from the United States to rejoin her husband in his internal exile at Gorki. The other day a Soviet official suggested, viciously, that Yelena Bonner's criticisms while abroad of the treatment of her husband had "jeopardized" his chances of going even to his home in Moscow.

Here are two tired and sick people, whom a just government would honor, facing further persecution. Evidently the Kremlin sees profit in flaunting its capacity to reject international appeals in their behalf. Or is the mighty Soviet state quaking at the thought that their example might embolden other Soviet citizens to ask to be treated in a minimally decent and lawful way?

San Diego County
Los Angeles Times
Tuesday, May 27, 1986

U.S. Vetoes East-West Travel Pact

Allies, Soviets Back Helsinki Group Bid on Human Contacts

By DON COOK,
Times Staff Writer

BERN, Switzerland—To the dismay of its NATO allies, the United States on Monday blocked the adoption of proposals accepted by the Soviet Union to make marginal improvements in human contacts among the 35 nations that signed the 1975 Helsinki agreements.

Even an appeal by telephone from West German Foreign Minister Hans-Dietrich Genscher in Bonn to Secretary of State George P. Shultz in Washington failed to prevent the American veto.

The proposals required the approval of all member states.

Bonn was especially anxious to improve East-West human contacts in view of the post-World War II division of Germany that has resulted in the separation of many families.

No Joint Resolution

The U.S. action means that a six-week meeting of experts from the Helsinki participating states to review the human contacts record will conclude today with speeches but no joint resolution.

The proposed compromise, a compilation of many items discussed at the conference here, called for the signatory nations to speed the issuance of travel visas, to give special consideration to personal hardship cases such as family illness, to publish rules and regulations on travel restrictions, and to expand contacts between East and West through group travel, sports exchanges and sister-city relationships.

One improvement, sought by the West, would have urged that families be allowed to travel together, instead of the usual Soviet Bloc practice of letting only some members leave home at the same time.

The proposal would also have abolished age requirements in family visits between East and West, a provision targeted at East Germany's practice of allowing, except in special cases, only retired people to visit relatives in the West.

'Noble Documents'

Explaining the American veto at a brief news conference Monday, the chief American delegate, Ambassador Michael Novak, said only that human rights proposals had not been sufficiently matched in the past by improved performance in human contacts on the part of the Soviet Union and East Bloc states.

"We in America deeply cherish the Helsinki process," Novak said. "These are noble documents that gain nobility from performance. As our people review the record of performance, there is concern that words without compliance would only undermine the whole Helsinki process. Thus, given the record, we imagine that a document would have to be of sufficient weight to offset the performance. We regret after careful review that we could not give our consent to this compromise."

Novak declined to specify the U.S. objections to the document, saying he was too tired. But there were indications that the State Department at the last minute had insisted on including a passage that would have facilitated travel by ethnic minorities—a provision that could have eased the emigration of Soviet Jews.

The clause, included in the original compromise put together by neutral and nonaligned nations here, was earlier deleted under Soviet Bloc pressure. The U.S. delegation had gone along with that move, mostly because the provision would have applied only to travel among the signatory nations, not to Israel, the destination of many Soviet Jews. But then the State Department balked.

The American delegation earlier in the day had given its tentative acceptance to the compromise document prepared by the nine neutral and nonaligned countries among the 35 states. The American acceptance, however, was subject to clearance from Washington, and when the State Department swung into action on Memorial Day morning—by then mid-afternoon in Bern—back came instructions that the compromise was unacceptable.

Immediately after Novak announced the American veto to an evening plenary meeting, Soviet delegate Youri Kachlev took the floor to praise "the great work of the conference" and urged the United States "to join in our consensus and reconsider its negative attitude."

Soviet Allies Join In

The Soviet delegate was quickly echoed by delegation heads from Poland, Czechoslovakia, Bulgaria, Hungary and East Germany.

British Ambassador Anthony Williams, the only North Atlantic Treaty Organization delegate to take the floor at this stage of the proceedings, then said that "the news tonight will have saddened us all and aroused a certain sympathy." He did not elaborate, but presumably he was expressing sympathy for the United States finding itself alone.

The compromise document was reintroduced by the neutral and nonaligned nations Monday morning after an all-night meeting had ended with a Soviet walkout at 4 a.m. that seemed to indicate a complete breakdown of the conference. After the walkout, the meeting adjourned to resume with a final plenary meeting.

Then everything began to change. The Soviet delegation suddenly turned from a hard-line position to an attitude of compromise. At a working meeting, the 35 delegations began to reach a consensus, paragraph by paragraph, as the Soviets and Americans joined in. After an argument over one controversial passage, the paragraph was simply dropped from the document entirely.

A Swiss delegate who was involved in drafting the compromise commented, "The Madrid agreement three years ago was a 20% improvement on Helsinki, and this would be a 20% improvement on Madrid in human contacts."

But the State Department did not agree.

U.S. Stands Alone

The United States now stands alone against a European consensus that includes Western Europe, the neutrals and nonaligned and the Soviet Union and the Eastern Bloc.

In general, as one Western European delegate said, "We in Europe have far many more close problems of human contacts than the United States on the other side of the Atlantic, and there were a number of points in the compromise document which we felt would offer real benefits in improving the Helsinki process."

The Europeans urged the United States to go along because they see some elements of the compromise—particularly on family travel—as small but important improvements.

This is the third "Helsinki process" meeting that has failed to come up with any final agreement. In Ottawa in April, 1985, a meeting to discuss human rights ended without a formal statement. In Budapest last November a Helsinki cultural contacts meeting also failed as a result of a Romanian veto on a final agreement.

A full Helsinki review conference is scheduled to open in Vienna in November.

Wash. Times 6-3-86

The slow road from Helsinki

Is it worth continuing the weary and unrewarding "Helsinki process," now 11 years old and seemingly getting nowhere?

In Bern on May 26, after several weeks' work by representatives of 35 governments, a conference on East-West contacts ended without agreement. Last year this had happened twice — in Ottawa in June and in Budapest in November — without attracting much attention. But this time one thing was different. At the end of the Bern talks a rift emerged between the Americans and the West Europeans, which made a little news.

All three meetings were part of the "Helsinki process," the pursuit of the aims stated at the Conference on Security and Cooperation in Europe held in Finland in 1975 by 32 European states, plus the United States, Canada, and the Soviet Union. The decision to hold the three meetings had been taken in 1983 in Madrid, at the second CSCE review conference (the third will start in November, in Vienna). All three were concerned with the promises made in Helsinki to promote contacts between East and West. The Ottawa talks ranged widely over the human-rights field; the Budapest ones were focused on cultural links; the Bern ones on personal contacts.

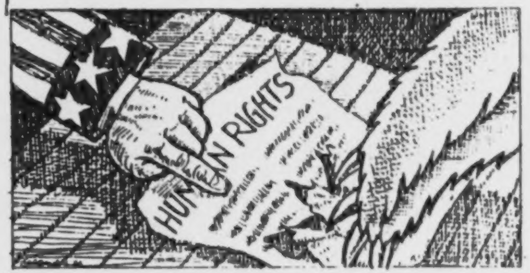
Each meeting has taken much the same course. The Soviet and East European governments are reproached for flouting their 1975 promises — on freedom of movement and communication between East and West — and urged to take specific steps to fulfill them. They complain that this is outrageous interference in their private affairs. The democratic (both NATO and "neutral") states point out that it is nothing of the kind: the Communist regimes are simply being asked to comply with the international agreement that was solemnly signed on Russia's behalf, in Helsinki in 1975, by Leonid Brezhnev.

The Russians then offer to accept some form of words that would look vaguely respectable and cause them no real pain. The NATO states and the neutrals are obliged to choose between helping to pour out whitewash or letting the talks end without an agreed statement. In Ottawa and Budapest they opted for no statement. In Bern, however, they were about to accept one when the U.S. delegation received orders from Washington not to go along with it.

Just the usual breach between tough Americans and timid Europeans? Not quite. Some special factors affected the Bern talks. On the one hand, the atmosphere was more relaxed than at Ottawa or Budapest. And the proposed statement, based on a Swiss formula, did include a few specifics, for instance, about ending interference with East-West telephone calls and mail.

On the other hand, Bern's "personal contacts" agenda was particularly close to the bone for Americans. Michael Novak, their chief delegate, stressed this at the start, pointing out that a tenth of America's population is of East European origin. The idea of inducing the Communist governments to permit more emigration has more appeal in America than in thickly peopled Western Europe.

In Bern, West German delegates were urging Communist delegates to perceive that there might be fewer demands for permission to emigrate if their goverments would allow more East-West visiting.



For the Americans, the breaking-point may have come when the Russians insisted that a proposed formula for simplifying exit-visa procedures should apply only to movements among the 35 CSCE countries; this would not have helped a person seeking permission to join relatives in Israel — the only request a Soviet Jew can make with any hope of success.

If nothing of substance has emerged from Ottawa, Budapest, and Bern, little more optimism is at the moment being expressed about the much longer-running CSCE conference in Stockholm. This began in January 1984 (and is due to end by September) because, five years ago in Madrid, the Russians demanded a special CSCE conference on disarmament. The democracies recoiled from the idea of creating just one more forum for vague talk about arms control. But it was eventually agreed, on France's initiative, to hold talks in Stockholm about "confidence- and security-building measures and disarmament."

Russia, having had to accept the French logic that the "measures" must have priority, then turned to claiming that formal statements of peaceful intentions were the best way of building enough confidence and security to make disarmament possible. The Westerners insisted on practical steps, such as more openness about big military movements and exercises. The Russians dug in their heels again; and the chief American delegate in Stockholm said recently that "the possibility of failure looms large."

So is it all worthwhile? The various CSCE meetings may make possible some useful discussions between pairs of attending countries. They may yield a dribble of small Soviet concessions — during the Bern talks Russia promised to let 117 people join relatives in America. But they do not prevent tightening moves by the Communist states.

As the latest talks ended, new impediments arose to Western diplomats' freedom of movement in Berlin. And, as Bern showed, these meetings can highlight a Western disunity that encourages Soviet intransigence.

And yet, and yet. While the delegates talked in Berlin, there was a poignant reunion in America between two members of the "Helsinki monitoring group" that was formed in Moscow 10 years ago and was relentlessly persecuted until most of its members were either in exile or in prison: Anatoly Shcharansky, freed in February after nine years in Soviet jails and camps, and Yelena Bonner, who is now returning to join her husband, Andrei Sakharov, in his lonely incarceration in Gorki. Some words from Mr. Shcharansky's message to the unofficial "counterconference" staged in Bern seem relevant.

He was convinced, he said, that "the international community's struggle to induce the Soviet Union to begin at last to fulfill the agreements it signed at Helsinki is more urgent than ever." He hoped the process would lead to constructive steps that would help to make "real trust between great countries" possible and, he concluded, "as a necessary condition for this, the Helsinki agreement's human-rights sections must be fulfilled."

Such a task, once embarked upon, is hard to abandon.

Prepared by the news and features service of The Economist *of London.*

European Maneuvers

Los Angeles Times -- May 28, 1986

The United States has muddled an effort, albeit modest, to relax restrictions on East-West travel—an action that once again isolates Washington from its closest allies while opening propaganda opportunities for the Eastern Europeans.

This latest mistake came at another in a series of meetings of the signatories of the 1975 Helsinki accords on European security and cooperation. Each of these follow-up sessions has been designed to facilitate the original agreement, with the Western Europeans, the United States and Canada focusing in particular on the human-rights elements of that agreement.

A compromise had been negotiated that would have made some improvements in handling East-West exchanges, including simplification of administrative procedures for the reunion of separated families, East-West marriages, visits to see elderly and sick persons, assurances of privacy for both mail and telephone contacts and proposals to increase exchanges of a variety of kinds between the two halves of Europe.

The U.S. delegation had given preliminary approval to the language, as had all other delegations at the meeting in Switzerland, but was awaiting final word from the State Department. That word, a veto, came too late to salvage any agreement. No lame excuse about "loopholes," no vague muttering about the failure of Moscow to implement faithfully the agreements of the past, can explain away the American response. And the stubbornness of the American government stood out all the more starkly the next day when the Soviet Union diverted attention from its much-blemished record on exchanges to implement its summit promise to President Reagan with the largest release of persons in divided-family cases since the issue was raised 30 years ago.

"We should look for progress wherever it's possible," a disappointed West German diplomat commented, unable to conceal his criticism of the U.S. veto. The North Atlantic Treaty Organization allies, who were unanimous in supporting the compromise at the Bern meeting, know a good deal more about the realities of a divided Europe than those in Washington who so easily threw away an opportunity for progress.

In the absence of a satisfactory explanation for the American veto, analysts assumed that the United States was opposing the proposal because of the failure of Moscow to meet fundamental human-rights standards in handling Jews seeking to leave the Soviet Union. The abuse of Jews seeking emigration is without doubt one of the most blatant violations of basic rights, and inevitably is an obstacle to all efforts to improve East-West relations. But it was a mistake to try to use the leverage of a resolution at the European security conference to attempt to pry, at the 11th hour, some concessions from Moscow on an issue that has clouded relations for years.

There will be an opportunity in Vienna in November, when the consultations are renewed, to repair the damage done by the American veto and at least try to restore the unity of the Western nations—essential to constructive bargaining between East and West.

Talks End in Deadlock

U.S. Defends Veto on East-West Cooperation

By Don Cook
Los Angeles Times

BERN, Switzerland, May 27—Six weeks of talks on improving East-West contacts ended today with the United States defending its veto of a compromise final document and with other western delegates seeking to minimize the split the U.S. action has opened in the Atlantic alliance.

The proposed compromise, drafted by neutral and nonaligned countries in the hope of breaking a deadlock, dealt with reunifying divided families and with improving conditions for other personal contacts. The Soviet Union, the other East Bloc countries and all of the Atlantic alliance countries with the exception of the United States had indicated a willingness to approve it.

But yesterday, Michael Novak, the chief U.S. delegate, rejected it. He told the final plenary meeting of the 35 countries represented here that the proposed final document contained loopholes and was potentially dangerous.

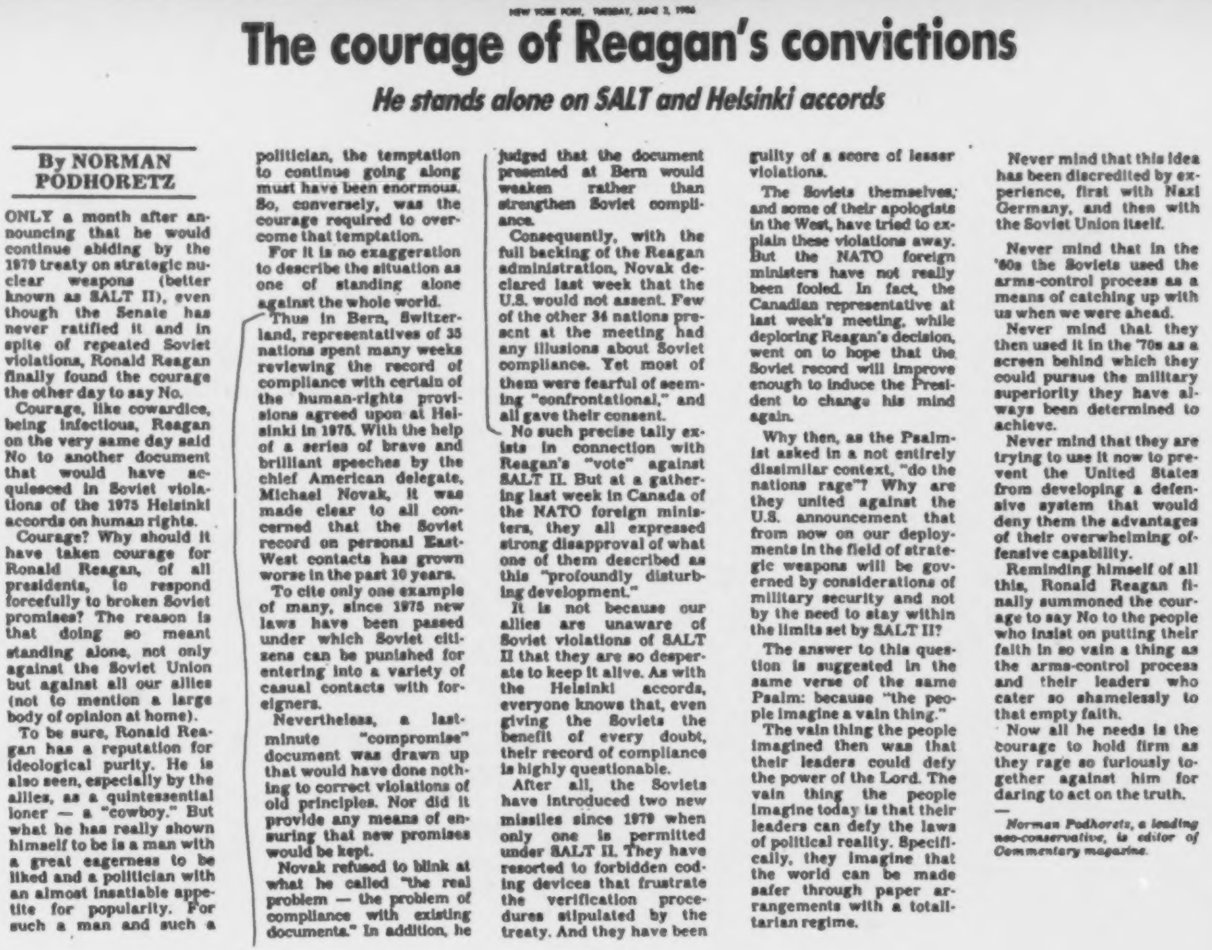
"My government takes words seriously," Novak said today, and added, "There is unease in our country about the growing gap between words and compliance." He said that if the document had been accepted, people could have been hurt because it contained language that could be distorted by cynical governments.

Of the delegates here from other countries of the North Atlantic Treaty Organization, none supported the American veto, but all expressed at least some understanding.

Dutch Ambassador Hans Meesman said: "We were prepared to accept the outcome of our deliberations. But as we share some of the hesitations of those who felt it was inadequate, we have understanding for the inability of one of our friends and allies to join the consensus."

Yuri Kashlev, the chief Soviet delegate, criticized the U.S. rejection of the proposals as having "threatened us with a clenched fist."

Washington Post, May 28, 1986 pg. A24



NEW YORK POST, TUESDAY, JUNE 3, 1986

The courage of Reagan's convictions

He stands alone on SALT and Helsinki accords

By NORMAN PODHORETZ

ONLY a month after announcing that he would continue abiding by the 1979 treaty on strategic nuclear weapons (better known as SALT II), even though the Senate has never ratified it and in spite of repeated Soviet violations, Ronald Reagan finally found the courage the other day to say No.

Courage, like cowardice, being infectious, Reagan on the very same day said No to another document that would have acquiesced in Soviet violations of the 1975 Helsinki accords on human rights.

Courage? Why should it have taken courage for Ronald Reagan, of all presidents, to respond forcefully to broken Soviet promises? The reason is that doing so meant standing alone, not only against the Soviet Union but against all our allies (not to mention a large body of opinion at home).

To be sure, Ronald Reagan has a reputation for ideological purity. He is also seen, especially by the allies, as a quintessential loner — a "cowboy." But what he has really shown himself to be is a man with a great eagerness to be liked and a politician with an almost insatiable appetite for popularity. For such a man and such a politician, the temptation to continue going along must have been enormous. So, conversely, was the courage required to overcome that temptation.

For it is no exaggeration to describe the situation as one of standing alone against the whole world.

Thus in Bern, Switzerland, representatives of 35 nations spent many weeks reviewing the record of compliance with certain of the human-rights provisions agreed upon at Helsinki in 1975. With the help of a series of brave and brilliant speeches by the chief American delegate, Michael Novak, it was made clear to all concerned that the Soviet record on personal East-West contacts has grown worse in the past 10 years.

To cite only one example of many, since 1975 new laws have been passed under which Soviet citizens can be punished for entering into a variety of casual contacts with foreigners.

Nevertheless, a last-minute "compromise" document was drawn up that would have done nothing to correct violations of old principles. Nor did it provide any means of ensuring that new promises would be kept.

Novak refused to blink at what he called "the real problem — the problem of compliance with existing documents." In addition, he judged that the document presented at Bern would weaken rather than strengthen Soviet compliance.

Consequently, with the full backing of the Reagan administration, Novak declared last week that the U.S. would not assent. Few of the other 34 nations present at the meeting had any illusions about Soviet compliance. Yet most of them were fearful of seeming "confrontational," and all gave their consent.

No such precise tally exists in connection with Reagan's "vote" against SALT II. But at a gathering last week in Canada of the NATO foreign ministers, they all expressed strong disapproval of what one of them described as this "profoundly disturbing development."

It is not because our allies are unaware of Soviet violations of SALT II that they are so desperate to keep it alive. As with the Helsinki accords, everyone knows that, even giving the Soviets the benefit of every doubt, their record of compliance is highly questionable.

After all, the Soviets have introduced two new missiles since 1979 when only one is permitted under SALT II. They have resorted to forbidden coding devices that frustrate the verification procedures stipulated by the treaty. And they have been guilty of a score of lesser violations.

The Soviets themselves; and some of their apologists in the West, have tried to explain these violations away. But the NATO foreign ministers have not really been fooled. In fact, the Canadian representative at last week's meeting, while deploring Reagan's decision, went on to hope that the Soviet record will improve enough to induce the President to change his mind again.

Why then, as the Psalmist asked in a not entirely dissimilar context, "do the nations rage"? Why are they united against the U.S. announcement that from now on our deployments in the field of strategic weapons will be governed by considerations of military security and not by the need to stay within the limits set by SALT II?

The answer to this question is suggested in the same verse of the same Psalm: because "the people imagine a vain thing."

The vain thing the people imagined then was that their leaders could defy the power of the Lord. The vain thing the people imagine today is that their leaders can defy the laws of political reality. Specifically, they imagine that the world can be made safer through paper arrangements with a totalitarian regime.

Never mind that this idea has been discredited by experience, first with Nazi Germany, and then with the Soviet Union itself.

Never mind that in the '60s the Soviets used the arms-control process as a means of catching up with us when we were ahead.

Never mind that they then used it in the '70s as a screen behind which they could pursue the military superiority they have always been determined to achieve.

Never mind that they are trying to use it now to prevent the United States from developing a defensive system that would deny them the advantages of their overwhelming offensive capability.

Reminding himself of all this, Ronald Reagan finally summoned the courage to say No to the people who insist on putting their faith in so vain a thing as the arms-control process and their leaders who cater so shamelessly to that empty faith.

Now all he needs is the courage to hold firm as they rage so furiously together against him for daring to act on the truth.

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Norman Podhoretz, a leading neo-conservative, is editor of Commentary magazine.

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The New York Times

OVIET TELLS U.S. T WILL ALLOW 117 TO REJOIN FAMILIES

tate Dept. Sees 'Significant Step' in Effort to Resolve Human Rights Cases

By BERNARD GWERTZMAN

Special to The New York Times

WASHINGTON, May 27 — The oviet Union has informed the United ates that it will resolve 36 cases of ided families by allowing 117 Soviet izens to emigrate, the State Depart- ent said today. It called the Soviet ove "a significant step."

A spokesman, Charles E. Redman, id the Soviet Union had also agreed clear up two additional cases, one in- lving the spouse of an American citi- n and the other a person claiming nited States citizenship.

The list of cases was conveyed to the nited States by the Soviet Union on onday in Bern at a conference on ast-West contacts that closed today.

Helsinki Review Session Ends

The conference, which reviewed the man rights provisions of the 1975 elsinki accords, ended after the nited States had refused to go along th a "consensus statement" signed the 34 other participants. The United ates called the statement too weak nd modest. [Page A12.]

Mr. Redman, the State Department pokesman, said that if the latest Sovi- -American family reunifications ere carried out, it would mark the rgest single resolution of human ghts cases since the United States egan pressing for family reunification the mid-1950's.

"The U.S. Government and the merican people welcome this devel- pment," Mr. Redman said. "This act ives real meaning to the joint state- ent by President Reagan and Gen- ral Secretary Mikhail S. Gorbachev n the importance of resolving humani- arian cases in a spirit of cooperation. is a positive step that will contribute an improved atmosphere in our rela- ns and will facilitate efforts to build n the progress begun at the Geneva mmit last year."

"It is our hope that this significant tep signals that the Soviet Union shares our desire to move ahead in our efforts to improve mutual understanding between our peoples, to make progress in other areas of human rights such as emigration and to increase cooperation between our two countries in areas of mutual interest."

The State Department said it would not identify those involved in the latest reunifications until the next of kin had been notified.

"Over the last six months, the Soviet Union has seemed willing to resolve rights cases involving the United States. Before the summit meeting in November, the Russians said they would resolve 10 cases, mostly involving Soviet spouses of American citizens who had been prevented from leaving.

After the summit meeting, Mayor Diane Feinstein of San Francisco was told that a number of Armenians and Jews related to Bay Area residents would be permitted to leave. Senator Edward M. Kennedy, Democrat of Massachusetts, was told during a visit to Moscow in February that the cases of 25 would-be Jewish emigrants would be resolved.

American officials said they believed Mr. Gorbachev was trying to dramatize his interest in better Soviet-American relations by settling specific humanitarian cases. On the larger question of emigration, he has so far made no changes in Soviet policy.

Emigration from the Soviet Union has traditionally been restricted for all citizens. However, over the years, more than 250,000 Jews have been allowed to emigrate together with members of other minorities, mostly ethnic Germans and Armenians. In a number of cases, the Soviet Union has rejected requests for emigration on the ground that applicants had been privy to Government secrets.

The United States has a list of family reunification cases that it periodically presents to the Soviet Union for resolution. Mr. Redman said the current list consisted of 126 cases.

Earlier, according to Mr. Redman, the Soviet Union had promised to resolve 33 cases, and 24 were resolved. Earlier this month, the Soviet Union said that one of the nine others would be resolved in the near future. Last week, Moscow said four other people would be permitted to emigrate.

In addition to the category of divided families, the United States maintains a list of separated spouses, with 21 cases, Mr. Redman said. There are 20 others who claim the right to leave the Soviet Union on the ground of dual citizenship, Mr. Redman said.

In another development, Stephen Lundy, an official with Trout Unlimited, a conservation organization of Vienna, Va., said his group would sign an agreement next month in Moscow with the organization representing hunters and fishermen from the Russian Republic, the largest of the 15 republics making up the Soviet Union.

The accord is intended to foster fishing and hunting exchanges and to open the Soviet market to American sporting goods.

U.S. Rejects Accord At Rights Meeting, Calling It Too Weak

By THOMAS W. NETTER

Special to The New York Times

BERN, May 27 — A 35-nation meeting called to review human-rights provisions under the Helsinki accords of 1975 ended its six-week session here today after the United States blocked adoption of a final set of recommendations as too "weak and modest."

The final document was approved by consensus by the other 34 signers of the Conference on Security and Cooperation in Europe, but it does not become part of the Helsinki process.

The document was a result of a compromise offered by Switzerland, Austria and other neutral and nonaligned nations in a final, frenzied series of negotiations Monday intended to break an East-West deadlock.

Western diplomats said the compromise document on the "expansion of human contacts" included calls for the elimination of travel restrictions linked to age and family ties, simplified administrative requirements for family visits and visas and guaranteed postal and telephone communication, including direct-dialing systems.

'A Very Modest Document'

The United States rejected the proposals as too weak, arguing that they would weaken rather than strengthen the Helsinki accords.

The chief American delegate, Michael Novak, said, "The real problem remains the problem of compliance with existing documents, rather than approval of what was at best a very modest document in our view, and a rather weak one in the view of some others."

The Bern meeting was the last in a series mandated by the Madrid conference of 1980-83 before human rights, economic and disarmament provisions of the entire Helsinki accords come under review in Vienna in November.

Western diplomats said the conference gave no indication that the new Soviet leader, Mikhail S. Gorbachev, had decided to offer new initiatives on human rights, despite statements made to that effect in the Soviet party congress earlier this year.

Solo stance on rights angers America's allies

JUN 0 4 1986

By DON COOK
Los Angeles Times Writer

BERN, SWITZERLAND – If an aim of Soviet diplomacy is to separate America from Europe, then the Reagan administration's recent performance at the conference on human contacts must look, to the Kremlin, like the beginning of a dream come true.

For the first time in any international forum since World War II, the United States voted alone, against all the nations of Europe, to block adoption of modest but not insignificant measures that might have helped improve human contacts under the 1975 Helsinki agreements. The American reasoning was that the measures were not enough and that it wanted compliance with old measures first.

This may be a perfectly defendable and popular stand for the administration in terms of domestic politics, but it left the Europeans baffled, irritated and, in some cases, angry. For the United States had blocked acceptance of something on which the Soviet Bloc, the neutral and nonaligned nations and the NATO allies in Europe had all agreed.

One Western ambassador said indignantly after the U.S. action: "The Helsinki agreements, after all, are about security and cooperation in Europe, and if the Europeans, both East and West, have reached agreement, even if it is only on minor compromises and improvements, what sense does it make for the United States to veto all of us?

"In Europe, we have many more direct and pressing problems of human contacts with the East Bloc than you have on the other side of the Atlantic. We do not expect big things out of the Helsinki agreements and never have, but we ought to take whatever small steps we can get, whenever we can get them."

This post-Geneva mood is to suggest that small steps in East-West relations are out; the administration now demands big changes in Soviet behavior as the price of progress.

From an American standpoint, or an Atlantic Alliance standpoint, the mood seems appropriate as long as the Soviet Union is seen to be obstructionist, as it usually has been in these meetings under the "Helsinki process."

But in Bern, after six weeks of stonewalling, the Soviet delegate suddenly turned flexible, at last ready and apparently anxious to produce an agreed-upon final document.

IN THE CONFUSION that surrounded subsequent events, the element of time was important. Last Sunday, the nine neutral and nonaligned countries among the 35 signers of the Helsinki agreements presented their draft of a final compromise on a "take it or leave it" basis. Switzerland and Austria were taking the diplomatic lead at this point.

But when the document was transmitted to Washington, discussions were still under way with the Soviets to try to work out [illegible] East-West draft independent of what the neutrals had produced. These discussions continued all night, until the Russians suddenly found a technical pretext to walk out at 4 a.m. Monday – or 10 p.m. Sunday in Washington.

But, at 10 a.m. Monday in Bern, when the weary delegates resumed talk, the Soviets suddenly agreed to take up the draft offered by the neutral and nonaligned states. In Washington, it was 4 a.m. on Memorial Day. Almost at once the agreement began falling into place. Clause by clause, the Soviets and the East Bloc began accepting the neutral draft, and the European members of the Atlantic Alliance quickly lined up as well. The American delegation was not all that happy with the draft but U.S. Ambassador Michael Novak was carried along with America's allies, somewhat reluctantly and with reservations about what Washington might say. By midday in Bern, 6 a.m. in Washington, everybody thought there was agreement.

MEANWHILE, A NUMBER of "watchdog" U.S. congressional leaders had arrived in Bern to sit in with the U.S. delegation for the festivities ending the six-week conference. The lobby of the Hotel Bellevue was awash on Monday with human-rights activists, and soon the visiting Americans were telling newsmen that the U.S. delegation had goofed and "given away" too much in the early morning hours.

A plenary meeting was postponed while the American delegation awaited instructions from Washington. Soon further word was circulated that Washington wanted changes in the final draft. Nobody, least of all the Soviets, was prepared to go back and reopen discussion. Phone lines to Washington began to burn.

From Bonn, Foreign Minister Hans Dietrich Genscher, alerted by the West German delegation in Bern, put in an urgent call to Secretary of State George P. Shultz. But the secretary was off with his family on a holiday outing. So at 4:30 p.m. the German delegation asked for a further postponement. When Genscher did reach Shultz, the answer was still no.

Finally, at about 9:30 p.m., 12 hours after the American delegation had tentatively gone along with a final document, Ambassador Novak had the unenviable task of informing the other 34 delegations that "after very careful review, my government cannot give its consent." Silence greeted his declaration.

In the end, what was at stake was not the wording of this or that provision of yet another Helsinki document, but the more fundamental issue of whether the Helsinki process is to take small steps — or no steps at all.

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